LEGISLATIVE COUNCIL

Thursday, November 17, 1966.

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

ASSENT TO BILLS.

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Cambrai and Sedan Railway Discontinuance,
Dentists Act Amendment,
Enfield General Cemetery Act Amendment.

QUESTIONS

KYANCUTTA LOOPLINE.

The Hon. G. J. GILFILLAN: Has the Minister of Transport a reply to my question of November 15 regarding the Kyancutta railway station yards?

The Hon. A. F. KNEEBONE: Due to physical limitations not associated with the grain harvest, there is some restriction on the amount of bulk superphosphate that can be unloaded at Kyancutta at the one time, but no such restrictions apply to bagged superphosphate. The receival of oats at Kyancutta commenced on November 11, 1966, and the Railways Commissioner has not been advised of any difficulty that has been experienced to date. It is agreed, however, that when the railage of bulk grain reaches its peak, the existing yards, along with many others on the Port Lincoln division, will be fully taxed.

Formerly, siding extensions at Kyancutta were included on the current estimates, but a later review of the priorities on the Port Lincoln division placed this station fourth on the list behind Kimba, Lock and Poochera. As a result, it is proposed to concentrate on the latter three places and, consequently, the work at Kyancutta will not be done for the 1966-67 harvest. However, it will be possible to minimize the difficulties there by means of special train working.

I regret I have been unable to get a reply concerning the bulk handling part of the honourable member's question.

HOUSING FINANCE.

The Hon. C. M. HILL: Has the Chief Secretary an answer to the question I asked on November 9 concerning the numbers of completed and uncompleted Housing Trust houses?

The Hon. A. J. SHARD: The answer to the question is as follows:

Number of houses completed and unsold 190
Houses in course of construction 2,450

IMPOUNDING ACT.

The Hon. L. R. HART: I ask leave to make a brief statement prior to asking a question of the Minister of Local Government representing the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: Earlier this year, following the prosecution under the Impounding Act of a person for straying stock on roads, producer organizations waited on the Government, seeking an amendment to this Act. On July 12, in answer to a question I asked, the Minister of Local Government stated that instructions would be given that no more prosecutions would take place until amending legislation to the Impounding Act had been brought before Parliament. Can the Minister say whether the Government has given consideration to bringing down legislation to amend the Impounding Act?

The Hon. S. C. BEVAN: I shall refer the question to the Minister of Agriculture and get a reply as soon as possible.

TRAFFIC LIGHTS.

The Hon. C. M. HILL: Has the Minister of Roads an answer to the question I asked on November 8 regarding traffic lights at the intersection of Greenhill Road, Peacock Road and King William Road, Hyde Park?

The Hon. S. C. BEVAN: The answer is as follows:

It is expected that traffic signals will be installed at the above intersection in the financial year 1967-68. Their installation, however, will depend on the amount of roadworks involved to permit the signals to be installed and whether provision can be made to accommodate the tramway line within the signalling system. These problems are currently under investigation by the board.

HILLS TRAINS.

The Hon. H. K. KEMP: Has the Minister of Transport a reply to the question I asked on November 3, concerning hills trains?

The Hon. A. F. KNEEBONE: Yes. The reply is as follows:

Trains depart Adelaide for beyond Belair at 6.17 p.m., 9.30 p.m. and 11.33 p.m., while additional trains serving as far as Belair depart Adelaide at 7.05 p.m., 7.50 p.m., 8.40 p.m., 10.05 p.m. and 11 p.m. A recent survey showed that on the three firstmentioned trains only a total of 17 passengers travelled beyond Belair, and of this number 13 detrained prior to arrival at Bridgewater. In view of the very poor

patronage given to the existing service, any extension would not be justified. It might be added that the survey referred to disclosed that on all evening trains a total of only 22 passengers were on board on arrival at Belair.

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

Leave granted.

The Hon. H. K. KEMP: Since I asked the question it has been brought to my notice that the position in the hills district is actually very much worse than indicated. The train list given by the Minister is of trains leaving Adelaide for hills districts, but in the case of downward traffic I understand that there is no public transport from the time a bus leaves the Bridgewater and Aldgate areas at 6.27 p.m.

As buses have the privilege of being able to pick up passengers in the area and traverse the districts, there is materially no public transport available to people living at Bridgewater, Aldgate, Upper Sturt, Summertown and Uraidla. As this area is outside the metropolitan area as far as taxi licensing is concerned, any person in that district using a taxi pays the fare both ways, whereas in the city area the fare is based on the mileage on one way only.

This is not an easy question, because undoubtedly the Railways Department must be finding its services completely uneconomic in view of the advantages the buses have, but there seems to be some case for asking the Minister to examine the possibility of bringing pressure to bear on the Metropolitan Taxi-Cab Board to have this area included in the metropolitan area for the charging of fares.

The Hon. A. F. KNEEBONE: I will make inquiries, and have a talk with the Taxi-Cab Board.

DESALINATION.

The Hon. A. M. WHYTE: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. A. M. WHYTE: Certain information has been placed before the Minister of Works regarding a desalination plant designed in America by Havens Industries. This plant, if it is as good as its designers claim it is, has features that make it very attractive for application in this State. Will the Minister ask his colleague what progress has been made by the Australian Mineral Development Laboratories to test this machine?

The Hon. A. F. KNEEBONE: I shall be pleased to make inquiries of my colleague and give the honourable member a reply as soon as possible. Because of the delay that may otherwise be occasioned by the Parliamentary recess, I shall endeavour to have a reply posted to the honourable member as soon as possible.

SIGNPOSTS.

The Hon. R. A. GEDDES: I have received a report from the North-East of the State that at the road junction north-west of Lake Callabonna a signpost indicating where the road south to Moolawatana branches off is missing. Over the border in north-west Queensland there is no signpost between Arrabury and Napper-Merri on the road to Innamincka. Will the Minister of Roads take up this matter with the authorities in South Australia and Queensland and endeavour to have signposts erected at these points?

The Hon. S. C. BEVAN: I shall take up this matter and perhaps request that the honourable member go there to erect the signposts.

MURRAY RIVER BACKWATERS.

The Hon. C. R. STORY: Has the Minister representing the Minister of Works a reply to my question about the closing of backwaters along the Murray River?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Works, has supplied me with the following report from the Director and Engineer-in-Chief:

> The closing of backwaters along the Murray River has been discussed as a general project to improve the operation of the river. Backwaters expose greater areas to evaporation loss and can contribute to stream pollution, particularly at times of a falling river. There are no proposals to close off backwaters at the present time and no surveys have been made to define specific areas where this can be done with benefit to the river system. Before undertaking any scheme of isolating the backwater areas from the main stream a detailed examination would have to be made of development in the area and the effect of works on the riparian community.

CUMMINS HOSPITAL.

The Hon. A. M. WHYTE: I ask leave to make an explanation before asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: The Chief Secretary is no doubt aware of the serious position that exists at Cummins where a well-equipped 16-bed hospital is available to a medical practitioner with no goodwill fees attached. Also available is a new home built by the previous

doctor and now owned by the people of Cummins. In view of this situation and others similar, can the Chief Secretary tell me what progress has been made by the Agent-General in London in recruiting doctors for country areas in South Australia?

The Hon. A. J. SHARD: If I wanted to be abrupt I would say "None", because I understand the decision to approach the Agent-General in London was made only within the last month. However, the Government and the department are worried about this aspect of the matter. It applies not only to Cummins. Within the last 12 months we have tried everything possible to encourage doctors to go to country areas. Provision has been made to appoint another doctor to the staffs of the Royal Adelaide and Queen Elizabeth Hospitals to try to fill gaps in the country in cases of emergency. I can only assure the honourable member that everything possible to secure doctors for country areas has been done. Like him, I await with extreme interest the success or otherwise that we shall meet with from approaching the Agent-General to recruit doctors in the United Kingdom to come to South Australia for the purpose mentioned in the honourable member's question.

WARREN RESERVOIR ROAD.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. M. B. DAWKINS: The Minister will be aware that around the Warren reservoir runs a very narrow, winding road with many sharp curves and no adequate fence as a safeguard. It serves as a main road between Williamstown and Birdwood and Williamstown and Mount Pleasant. Recently I had occasion to travel on that road and I came across a car that had gone through the fence but fortunately not at a place where the reservoir bank went straight down from the fence, and so it did not drop into the reservoir, which is full. However, there are many places on that road where a car, if it went through the fence when the road surface was slippery, would go straight into the water. The position has been accentuated because the road from Williamstown towards the reservoir and the road from Birdwood coming from the other direction have both been built up and widened and consequently increased speed has been encouraged. Will the Minister ascertain when the road will be reconstructed and made safe and, in view of the improvements to the approach roads on both sides of the reservoir, will he, in the meantime, consider providing some suggested speed limits in the immediate vicinity?

The Hon. S. C. BEVAN: I will take the matter up with the department to see what can be done in the meantime regarding the road in the interests of safety.

SEWER INSPECTIONS.

The Hon. C. M. HILL: Has the Minister of Labour and Industry a reply to my question of November 8 regarding the inspection of sewer fittings in new buildings?

The Hon. A. F. KNEEBONE: Yes. My colleague the Minister of Works has supplied me with the following report:

The subject of testing sanitary installations is covered in the regulations under the Sewerage Act, Nos. 39, 40 and 41. Regulations 40 and 41 set out the procedures to be used for water testing or smoke testing. The department uses the smoke test only for dwellings and single-storey buildings, and where multi-storey buildings are involved, tests are carried out using the water test, as it is considered that the plumbing within such buildings must be pressure tested to ensure that all pipes and fittings used in the installation are completely watertight. The amount of water used is not excessive; however, more importantly, the sanitary system is tested to a water pressure in excess of that which it is likely to be subjected to in actual practice, thus ensuring that the sanitary system as installed is fully satisfactory.

NURSES AWARD.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: I understand that earlier this year the South Australian Government intervened in support of a claim by unions to the Arbitration Court for an increase of $4.30 in the basic wage. The increase subsequently granted was $2. The Nurses Association has filed with the South Australian Industrial Commission a log of claims for an award for all nursing personnel in State Government hospitals. Can the Chief Secretary say whether the Government will consider intervening in support of the claim by the nurses?

The Hon. A. J. SHARD: I assume that the question is one for my attention, but industrial matters concerning nurses come within the administration of the Minister of Labour and Industry. I understand that the Government has met the Public Service Association on a friendly basis, that negotiations are still in

progress, and that quite a measure of agreement has been reached. I, for one, hope that satisfactory agreement on these matters will be arrived at, and that everybody will be happy.

The Hon. L. R. HART: In view of the Chief Secretary's answer, can the Minister of Labour and Industry say whether the log of claims has been lodged with the South Australian Industrial Commission on behalf of the nurses because satisfactory agreement has not been reached by other negotiations?

The Hon. A. F. KNEEBONE: Not that I am aware of.

CITY CAR YARD.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question of the Minister of Local Government.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I have just found in my correspondence box a copy of what is called *News Letter No.* 5, from a body called the Town and Country Planning Association, South Australia, Incorporated. On page 2 there is a reference to what it calls the City Council's inability to prevent a car sale yard from being established on the important retail site at the corner of Pirie Street and Gawler Place. The report goes on to say:

> The fact is that the site in Gawler Place is unsuitable for the proposed use if one considers the overall use of land in the city.

It then says:

> What appears to be overlooked, or just not realized, is that only firm town planning action through clear zoning and land use regulations will prevent a repetition of the Gawler Place situation.

I happen to know that this block, on which completely antiquated buildings have practically been demolished (and they should have been demolished), is to be used, certainly, as a car sale yard by a large retailer of new cars, and, of course, secondhand cars, who has large premises practically adjoining this site. Can the Minister say whether he believes in the sort of control suggested by this *News Letter*, which I regard as an invasion of the rights of the landholder, and, if he does, can he say what he would suggest be done? Should the owner be forced to erect buildings that he does not want to erect, should he be made to sell the land, or what should be done?

The Hon. C. M. Hill: He was going to sell about 20ft. of the frontage of the whole site if he was not given this consent.

The Hon. Sir ARTHUR RYMILL: Can the Minister say what is the position in these circumstances?

The Hon. S. C. BEVAN: What I would do in these circumstances is nil, because I have no authority under the Act. The Adelaide City Council has jurisdiction within its boundaries and the way it makes use of land in the city area is a matter for the council. I do not know of anything in the Bill that will take authority from the council.

The Hon. Sir ARTHUR RYMILL: I should like to follow up my question, because I may have been a little verbose. Can the Minister say whether he believes in the sort of control that this *News Letter* suggests ought to be imposed?

The Hon. S. C. BEVAN: I have not seen or read the *News Letter* that the Hon. Sir Arthur has cited, nor do I know the principle behind the report. At this moment I have no further comment.

PALLETIZATION.

The Hon. R. A. GEDDES: Has the Minister of Labour and Industry an answer to my question of November 8 regarding palletization?

The Hon. A. F. KNEEBONE: I have received the following report from the Minister of Marine:

> So far as the Harbors Board is concerned, it makes little difference whether general cargo is palletized or containerized, except that in certain instances palletized cargo needs protection from the weather. Rolls of newsprint, drums of oil and chemicals, etc., lend themselves to palletization, and to put these items in containers would only increase freight rates for no purpose. The question whether goods shall be palletized or containerized is entirely one for the manufacturers and the shippers to decide after considering such aspects as cost, risk of pilferage or damage, etc. Both methods are forms of unitized cargo which facilitate bulk loading and unloading operations and as such are to be encouraged in their respective spheres.

KIMBA PIPELINE.

The Hon. A. M. WHYTE: Can the Minister representing the Minister of Works say whether surveys and camp preparations on the site of the Polda to Kimba pipeline will be in readiness for the commencement of the laying of pipes in July, 1967?

The Hon. A. F. KNEEBONE: I shall convey the honourable member's question to my colleague and give him a reply as soon as possible.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Port Augusta High School Additions,
Port Augusta Technical College,
Morris Hospital Paraplegic Training Centre.

NATIONAL PARKS BILL.

Returned from the House of Assembly without amendment.

POLICE PENSIONS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 3092.)

The Hon. C. D. ROWE (Midland): I agree wholeheartedly with the Bill and, because the session is ending, my speech will not be as lengthy as it would otherwise have been. Earlier this year the Superannuation Act was amended to increase the Government subsidy to a total of 70 per cent, with a contribution of 30 per cent by the person who is to receive the pension. At that stage, widows' pensions were also increased to 65 per cent of contributors' pensions, and the rates for children were raised to a standard $208 a year. At the same time, a new innovation was brought into the Superannuation Act to provide that members could retire, if they so wished, at 60, whereas the previous Act stated 65 and, likewise, women could retire at 55, whereas the previous age was 60. Also, provision was made for the payment of pensions fortnightly instead of bi-monthly as before. That meant that the Police Pensions Act was somewhat out of line with the new provisions.

The Government and the police authorities had discussions, and this Bill is the result. Because of the increase in the Government contribution from 30 per cent to 70 per cent, it would have meant that, if police pensions remained at the same figure as before, there would need to be a reduction in the amount of the contribution to be paid by the police. As a result of those discussions, it appears that the police considered they would rather not take the full reduction in their payments, but increase their pensions slightly, and a figure has been arrived at which is somewhere between the two positions. That seems to be a sensible compromise, with the result that there will be an increase of about 9 per cent in the basic pension entitlement, and that will result in a reduction in the contribution of the order of 10 per cent to 18 per cent, instead of 23 per cent to 15 per cent, which would have been the reduction if there had been no increase in pension. I see no objection to that, and I entirely support it.

In 1964, an amendment provision was made for contributions to commence compulsorily from the age of 21, but there was no provision for an option to commence earlier. The Minister, in his second reading speech, said that, occasionally, police officers marry before reaching 21 and would like to become members of the superannuation scheme as soon as they married. That seems quite reasonable and feasible, and the Bill is amended to give them the option to do that.

The other matter mentioned in the Bill is the question of the unfortunate experience of those people who have been pensioners for some years, and, because of the decrease in the value of money, find that their pension is now insufficient. That poses a very difficult problem, and the Government, its advisers and the Police Association have not yet reached unanimity as to what should be done and, rather than make a stab in the dark at it—

The Hon. A. J. Shard: That is all it would amount to.

The Hon. C. D. ROWE: —the Government thinks it would be wiser to postpone consideration of that aspect, and so this Bill does not deal with that aspect. The Police Association is in accord with the Government on that matter. Those are the principal matters which this Bill affects, and I think it would be advisable to have a speedy passage of the Bill so that increased benefits can be made available to the Police Force. I have expressed my opinion previously and publicly of the good work done by the Police Force of this State. I do so again, and am pleased to be able to assist its members by supporting this Bill.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): Without engaging in needless repetition at this stage of the session, I wish to support the remarks of my colleague, the Hon. Mr. Rowe, in relation to police pensions. Adjustments have been made to other persions, and that has meant that the police are now at some disadvantage, whereas we have always been rather more favourably disposed towards the police than to other Government employees on this matter of pensions. This Bill restores the police to a comparable position, and this is as it should be. The provision for the option regarding the earlier date of marriage (which

is a voluntary nomination anyway) is one I can support. The trend today is to a lower marrying age than has been the custom in the past.

One problem concerns those already on a pension and no longer contributing to the fund. Honourable members might sympathetically consider some adjustment there. We have done it already in this session in another field. It is one of the problems associated with a time when there is an inflationary condition. People find that in a matter of years they are in straitened circumstances, because their superannuation will not provide what it was designed to provide. I consider that the Government should go further into this matter and try to come to some proper basis of adjustment when the legislation is introduced. I said earlier that we have been perhaps a little generously disposed toward police pensions because of the nature of their duties in the community and, perhaps, because they are involved in a more risky occupation on occasions than others in the community. With these remarks, I am happy to support the Bill and, along with my colleague, I hope it will have a speedy passage.

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

PROHIBITION OF DISCRIMINATION BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 2989.)

The Hon. L. R. HART (Midland): During the term of office of the present Government we have become accustomed to having placed before us a number of peculiar Bills: in many cases, Bills that appear quite inconsistent with the second reading explanations given by the Minister. When one reads the second reading explanation of this Bill, one wonders why it was ever necessary to have it brought before us. The Minister in his second reading speech said:

In South Australia, fortunately, we do not have very many practices of racial discrimination. Some occur but, when compared with what happens elsewhere, they are not very serious. However, they could develop into unpleasant incidents if they were allowed to continue . . . In South Australia, happily, we have a community that clearly disapproves of discrimination against persons by reason of their race, colour of skin, or country of origin. That disapproval stems from the general attitude of this community that all citizens should be given equal rights before the law and should be treated as human beings and not differentiated against because of minority discernible characteristics.

These statements are, I think, inconsistent in two respects. One is that it is an admission by the Minister that discrimination does not exist. In that case, why is it necessary to have this Bill? The other inconsistency is his statement that instances of racial discrimination may occur and could develop into unpleasant incidents if allowed to continue. This is completely inconsistent with the views taken by the Government in relation to another Bill that we have before us at present. If this Bill is necessary, it must be an admission of discrimination. If there is discrimination, there must be some reason for it and, if there is a reason for it, our prime task should be to ascertain these reasons and then do something about rectifying them.

I contend that this Bill is not the first move we should make or a move in the right direction. The first move should perhaps be to consider appointing additional welfare workers to assist Aborigines to equip themselves to take part in and cope with our modern society. Many people of white descent have problems in coping with the social issues that confront them today. How can the Aboriginal, without prior education and guidance, be expected to fit into all levels of society?

Forcing people by Statute to accept the Aboriginal without first adjusting him to what may well be a new way of life is not fair to the Aboriginal or to society. The Aboriginal people as a whole are a respected race, except for a few incorrigible characters who are unable to adjust themselves to the white man's way of life. Indeed, until they are able to readjust themselves accordingly, no law will make them acceptable. This is one of the facts of life, so let us not delude ourselves into thinking that by passing this Bill we are conferring a great privilege on the Aboriginal people.

If this Bill is designed to bring the Aboriginal into close association with the white man, then their interests and outlook must be compatible with those of the white man. In this regard, the white man has an obligation to assist in the assimilation of the Aboriginal, and the Aboriginal himself must display a receptive attitude to such assistance, but any such assistance must not appear to be of a patronizing nature. The first move, I believe, should be the establishment of local welfare committees consisting of both white people and Aborigines, whose tasks should be assisting and guiding Aborigines who desire economic or social assimilation. Such a committee could

also encourage and assist Aborigines in their spiritual welfare.

Possibly one of the greatest problems of Aboriginal races is the feeling of humiliation in not being the white man's equal in things he is confronted with in the white man's world. The individual Aboriginal needs to feel that his personal difficulties are the subject of personal concern by other Australians. Churches and service clubs can be alert to watch special local needs, and meet these in practical ways. Projects to better the lot of the children are particularly likely to win the support of a wide circle.

The difference between the culture and skills of Aborigines and Europeans is not so much in terms of superiority and inferiority as of diversity. Until the white man came, the original Australians had been cut off from all contacts with any developing civilization for thousands of years. They evolved a pattern that suited their needs. Their skills enabled them to live permanently in an environment in which civilized men would soon perish. As they move towards closer relationship with our society, their traditional skills become less important.

There are still insufficient means for them to acquire new skills at a level that will make them equal partners with other Australians. Until they have ample educational facilities they will be unable to obtain anything like social equality. I believe that the Attorney-General, who is also the Minister of Aboriginal Affairs, and the Government would be far better employed providing facilities whereby the Aboriginal could be prepared and fitted to accept the equal rights they now so generously offer. The Aboriginal question will not be improved by foisting this person on the general community where he could singlehandedly bring disrepute to his race by various forms of misconduct and often a complete indifference to his responsibilities. Corrective treatment is surely the answer. It is indeed heartening to read a report in this morning's paper under the heading "Pre-schooling for Aborigines" which states:

The State's first pre-school centre for aboriginal children has been established at Port Lincoln. It will be officially opened in the Lutheran Hall, off St. Andrew's terrace, at 2.30 p.m. on Tuesday by the chairman of the Aboriginal Affairs Board (Professor A. A. Abbie). The new centre has been financed by the Save the Children Fund in South Australia.

In the long-run, quiet constructive service is more likely to awaken the public than fiery polemics from reformers more zealous for causes than they are concerned about persons. There will be a tendency for the Aboriginal population to be incited by this present legislation and, if one dares to oppose it, they will feel a persecuted race. I believe that in these circumstances the members of this Council are placed in the rather invidious position that they want to do something for the Aboriginal people but they believe that this Bill will not do what they wish to do. Further, they are placed in the position where they have practically no alternative but to support the Bill. This I do with some reluctance.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Prohibition of dismissal etc., of employee."

The Hon. G. J. GILFILLAN: I move:

After "7" to insert "(1)"; and after "dollar" to insert the following new subclause:

"(2) Subsection (1) of this section shall not apply in any case where a person employs less than three persons at any one time."

I explained my reasons for this amendment in my second reading speech. It is intended by the amendment to exclude from the provisions of this clause those cases where less than three people are employed. I have in mind particularly the rural holdings where only one or two people are employed, who share the homestead for meals and perhaps even for full accommodation. The present wording of the clause covers a wide range, and the occasion could easily arise where a person had employed someone of another race, only to find that his culture and temperament were entirely incompatible with those of his family and (if there was only one other employee) of that employee. In such circumstances people have to live together in harmony and often the wife is left in charge of the property in the absence of her husband. Also, teenage children are involved. In those circumstances, this clause should not apply. It should not apply, too, in other forms of business in towns and cities where only one or two employees are involved, where again the incompatibility of temperament arises.

The Hon. A. J. SHARD (Chief Secretary): I cannot agree with the honourable member. He is usually logical, but the reasons he has given now are not affected by this clause. He talks about conduct in the house, about such an employee misconducting himself in a homestead.

The Hon. G. J. Gilfillan: He could be incompatible.

The Hon. A. J. SHARD: No; it is quite definite. This is the worst argument I have ever heard the honourable member put up—and I say that kindly. The wording of the clause shows that misconducting himself does not apply. If such an employee is not compatible in a home and does not behave himself, his employer has the right to dismiss him whether he is white, black or blue.

The Hon. F. J. Potter: Has he to give any reason for dismissal?

The Hon. A. J. SHARD: No.

The Hon. Sir Arthur Rymill: Does this apply to redskins like you and me?

The Hon. A. J. SHARD: Yes; it applies to all of them.

The Hon. F. J. Potter: If the employer does not give a reason, will not discrimination be assumed?

The Hon. A. J. SHARD: There is nothing in the clause to prevent the dismissal of anybody if he misconducts himself or if his behaviour is not up to standard. No-one is compelled to employ anybody. The Hon. Mr. Gilfillan referred to the position after the man was employed. At one time I had the experience of an employee being told to join the union, and all I got was abuse. Eventually he had to leave the job. The boss queried my action and I told him that this man, who happened to be an Italian, would not be a good employee. Later he obtained £80 from the boss and never repaid it. My point is that an employer does not have to employ anybody, but, having employed him, the employee cannot be dismissed, because of the provisions in the Bill. I do not think the Hon. Mr. Gilfillan has a good case.

The Hon. R. C. DeGARIS: The argument put forward by the Chief Secretary in regard to dismissal is reasonable, but will he elaborate on the provision stating:

> A person shall not dismiss an employee or injure him in his employment or alter his position to his prejudice by reason only of his race, country of origin or colour of his skin.

If three or four people applied for a position, what would happen if one did not get the job because of the colour of his skin? I think that is the problem worrying the Hon. Mr. Gilfillan.

The Hon. A. J. Shard: The Hon. Mr. Gilfillan did not say that.

The Hon. R. C. DeGARIS: I was not in the Chamber when he spoke, but I have read his amendment, and I would like the Chief Secretary to elaborate on it as it is related to clause 7.

The Hon. A. J. SHARD: It is quite simple; if there are three or four applicants for a position and one is chosen, that is the finish. If one of the applicants thought he was not appointed because of his race he would have to prove it.

The Hon. L. R. HART: I support the amendment. It is similar to the interpretation of a boarding or lodging house, which places a limit on the proprietor lodging a person. In the case of a boarding or lodging house with accommodation for less than three boarders, I assume that the proprietor could refuse admission to an Aboriginal or any any other person, but if there were accommodation for three or more the provision in the Bill would apply. I do not see why the Government cannot accept the amendment.

Thet Hon. Sir LYELL McEWIN: I support the amendment. Unlike the Chief Secretary, I do not want to encourage lawyers by offering them the opportunity to engage in more litigation. Earlier I said that I believed in prevention rather than cure. I understand that every complaint will be investigated and that will create the opportunity for argument on why a person was rejected. I believe that an employer should have the right to choose his employees, and I believe such a right should be made clear in this Bill.

The Hon. R. A. GEDDES: I support the amendment. Clause 4 states:

> A person shall not refuse or fail on demand to supply a service to a person by reason only of his race or country of origin or the colour of his skin.

The Chief Secretary said that it would not be necessary to employ such a person. If three people of different race applied for a position the employer would be worried that he would be liable to a charge. Where there is a small business, compatibility is essential. The amendment would not spoil the aim of the Bill; I believe it would assist proprietors of small businesses.

The Hon. G. J. GILFILLAN: In answer to the Chief Secretary, it would be possible to dismiss an employee because of misconduct, but the provisions of the Bill could add to the problem. The Bill would give a disgruntled employee an opportunity to invoke its aid in certain circumstances. I believe an employer should have freedom in selecting his employees.

The Hon. F. J. POTTER: The point I am concerned about was dealt with by the Hon. Sir Lyell McEwin. It is not so much that a person may be dismissed or have his position altered because of race, country of origin, or colour of his skin, because it would be difficult to prove that any one of them was the sole motive for an employer taking certain

action. Frequently, an employer is reluctant to give an employee the reason why he does not want him to remain in his employment. The reason may be personal or may be related to the psychological make-up of the employee.

If a dismissed person happens to be of a different race from the employer, or if his skin happens to be of a different colour, the employer may have to give his reasons for dismissing the employee, although no reason may have been given at the time of dismissal. The law provides employers with a right to "fire" as well as a right to hire and no reasons for exercising that right have to be given at present.

An employer in a large organization is accustomed to dealing with complaints, but in domestic situations, both in the city and in the country, people do not want to give reasons, although those reasons may not be related to the provisions of this Bill. An employer should not have to justify his actions in those circumstances. The law at present gives a person a right to refuse to share a room in a boarding house with another person, as the Hon. Mr. Hart has said.

The Committee divided on the amendment:

Ayes (12).—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, F. J. Potter, C. D. Rowe, and C. R. Story.

Noes (7).—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and A. M. Whyte.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (8 and 9) and title passed.

Bill read a third time and passed.

HARBORS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 3106.)

The Hon. R. A. GEDDES (Northern): In August this year I asked the Minister of Labour and Industry a question relating to containerization, which is one of the so-called focal points in modern-day transport of exports and imports. In the reply he gave me from the Minister of Works he said that the cargo will be containerized, palletized, or otherwise unitized into large lifts and transported to and from Melbourne. This Bill plans to eliminate the Harbors Board and place the control of harbours under the Minister. Might I add to containerized, palletized, and unitized that we are to nationalize and socialize this department.

What reasons have we for voting in favour of this Bill? The second reading speech did not really condemn any of the actions of the board in the past, but there was a reference to the fact that the board has certain control which the Government considers should be under the Minister. When it comes to receiving money to spend on capital works that money must come through the Loan Estimates after the matter has been discussed by Cabinet; so, surely, on that rather important matter of finance for capital improvements, the Government of the day must give its blessing, and the Minister of Marine must sign the docket. Should the economy or the needs of the State dictate there should be an increase in wharfage rates, the board cannot arbitrarily fix the rates. A regulation must be accepted by Parliament.

I remember that a regulation came before Parliament last year, because it was the wish of the Government, not the board, that harbour dues should be increased on a considerable number of items of primary produce, such as wool and wheat, and also on base metals. This is proof that capital expenditure and income must be authorized by the Government. Any plans for alterations of major ports must be approved by the Minister. The Harbors Board has had an excellent record in the past in the matter of planning. There has been no criticism of poor work or bad planning; there has been nothing but initiative and good planning. The roll-on-roll-off ship that supplies Kangaroo Island and Port Lincoln with a service, and the harbour facilities that the ship needs to make the operation a profitable one, are extremely good.

I have often watched the ship at Port Lincoln unloading its trailers; it is a fascinating operation. The service must have been planned by the Harbors Board and the steamship company that bought the ship. At Port Stanvac there is now a deepsea port, enabling this State to get its oil to the refinery and so reduce many industrial costs. The original thinking about the site of a port to take the big oversea tankers was initiated by the Harbors Board. Jetty and harbour facilities have been provided for the gypsum and limestone industries, and for the cartage of grain, and these have all been initiated by the Harbors Board. So surely the monetary side is under the control of Parliament. We quickly see the initiative shown by the board, but what is the

state of the capital facilities at Port Adelaide and other major seaports of the State?

About 18 months ago I read some severe criticism of the bad condition of the harbour facilities in Sydney. It made me wonder just how efficient our harbour facilities were, so I made inquiries of shipping companies and ships' captains, and I had a look at them myself. All reports show that the harbour facilities in South Australia are extremely good. They are of a much higher standard of efficiency than those in most other ports in Australia. The only criticism I have heard of our wharves has been that they are built too well. One comment made to me at the time was that they were built to last 200 years. With changing times, sometimes wharves become redundant. The excellence of the board's work is clearly visible. That is not a criticism but an indication of the standard of workmanship in South Australia.

If this Bill is passed, it is suggested that the portfolio could go to the Minister of Works. In this Council there is a Minister of Transport, whose job is to look after the transport needs of the railways, to assist in every way possible all road transport users of the State, and to allow them the freedom I know he wishes them to have.

I have previously spoken on the problems connected with the State import and export cargoes, particularly in regard to containers. I know that the South Australian Railways, in conjunction with all other railway systems in Australia, is experiencing the same problem regarding the movement of goods in container boxes. Now, oversea shipping is involved in the same problem. Why should the Minister of Transport not have the responsibility of looking after shipping problems in harbours?

We must look at the way the Harbors Board has operated. It has a close working knowledge of the needs of our ports and of the clients (the exporters and the shipping companies that use the facilities). It is able to make plans, establish costs, and present all the relevant information to the Minister for consideration and for Cabinet's decision and approval. This is a very important point. If this Bill allows the control of harbours to be under the Minister, he will have to initiate and do the planning necessary to see that our harbours are kept in good order. He will have to keep abreast of the times in all things appertaining to harbours, whereas at the moment the board does all the thinking. It comes to the Minister and says that certain things are necessary; the Minister takes the matter to Cabinet and, if it can afford the changes for the good of the State, Cabinet gives its approval.

Under this Bill, instead of the board's doing the initiating and planning, the Minister, although he will have to do all the planning and initiating, will have to be in effect the chairman of directors to see that the job is done. He will have to understand the complex nature of the needs of all concerned, and this will have to be done in addition to the work he must do under his other portfolios.

The board not only looked after our harbour facilities but initiated a very bold plan for reclaiming land in the upper reaches of the Port River. This plan envisaged the building of houses surrounding artificial lakes, but I understand that it has been abandoned by the Government. It would have allowed the building of houses for workmen within a few miles of their employment, and these houses would have been set in pleasant surroundings. The plan was initiated some years ago by the Harbors Board.

In the second reading explanation, a statement was made by the Minister about the need for a Minister to be in charge of the undertaking because of the development of facilities in this modern day. Has not the past development of our harbour facilities been in keeping with the day? I say it has, and I venture to say that the board would be able to meet the development in future.

The shipping of goods in containers is a fascinating exercise. It is estimated that a conventional type of ship may spend 60 per cent of its time in port. This means that the capital value is lying idle for over half the life of the ship. If the port time can be decreased by 20 per cent, it is fair to assume that the freight rates can be cut back by 30 per cent. I have heard reports that the Matson Line in America, with ships designed specially for container cargoes, unloaded 6,500 tons of cargo in 850 man-hours. Under conventional methods, the unloading would have taken 11,000 man-hours. The use of containers in this case brought about a reduction of 90 per cent in the stevedoring man-hours and 80 per cent in the ship's turn-round time. The techniques learned during the Second World War with landing craft have been the beginning of the roll-on-roll-off principle. The use of containers, which has made such a noticeable contribution to the reduction of time wasted in all forms of transportation, is now coming to the shipping trade. In the last few days there has been much comment in the press that Port

Adelaide has the opportunity of becoming a container port because it has some excellent facilities behind the wharves.

In about August of this year the Minister gave me a considered reply to a question and said that in his opinion, or in the opinion of the authorities that had given him the advice, Port Adelaide would not be a major container port but that Melbourne would be the port for the whole of South Australia as well as for Victoria. He said that our export cargoes would be taken to Melbourne by ship or rail and that Australia would possibly have three container ports—Sydney, Melbourne and Fremantle. It is heartening to see the optimistic view, possibly engendered in the press, that we may not have been overlooked.

If we have the necessary facilities ready, they will act like a magnet to the shipping industry, as ships will come to the ports that have facilities. Millions of dollars are being spent at Melbourne and Sydney. However, I understand that we have a depth of water of 35ft. at Outer Harbour, which is the depth necessary for some of the largest container ships. We have adequate facilities behind and on the wharves, and I think we can sell ourselves as having a port that can be the port for the southern part of Australia to which the majority of imports will come and from which the majority of exports will go. I know this will have to be lined up with the standardization of our railway system. However, we can claim to have these facilities. This Bill deals with the abolition of the Harbors Board and the control of the department to be placed under a Minister. I do not agree that it should, and I cannot support the Bill.

The Hon. G. J. GILFILLAN (Northern): This long Bill amends four Acts, and its only purpose is to do away with the Harbors Board and bring the administration of the Act directly under the Minister. I believe most points have been covered fully by previous speakers. It appears to me that under the existing Act the Minister, and through him the Government, has all the authority that could be required in the way of administration. First, and perhaps most important, the Government has financial control, which is probably the most effective control. I have not heard any direct criticism of the Harbors Board or of its workings. In fact, all the reports I have seen have indicated that our Harbors Board has been most efficient in its administration. It is interesting to observe that here in South Australia probably our most successful State's undertakings have been administered by boards or trusts. This may not be entirely true of all undertakings, but it is fair comment. When we have an enterprise going along very well and showing a substantial profit to the taxpayers, why alter it?

The Harbors Board works on the principle that it collects certain fees for wharfage and pilotage. It has a wide range of duties, but the main fees received are wharfage, pilotage, tonnage rates and conservancy duties. In the Auditor-General's report we see that in every year in recent times the Harbors Board has shown a substantial profit. It got as high in 1963-64 as $941,774. Last year there was an increase in harbour, wharfage, tonnage, pilotage and conservancy dues, which were expected to bring in another $850,000. This money goes straight into general revenue, and from Parliament each year an allocation is made to the Harbors Board for working expenses for that year. We have an authority handling our harbours efficiently. Its operations are showing a substantial contribution towards the State's revenue. If the increased charges realize expectations and increase our revenue by the expected $800,000 to $900,000, we can in a good year for this authority show a profit of about $2,000,000, which is substantial.

The Hon. A. F. Kneebone: Costs have risen.

The Hon. G. J. GILFILLAN: Yes, but the earnings of the Harbors Board are somewhat sensitive to seasons. They have this in common with our railways, that the amount of freight is governed to some extent by the seasonal conditions in our State, which grows so much grain. For all these reasons, I find it impossible to support this Bill to change the administration of this undertaking. I oppose the Bill.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I do not wish to delay the debate, because we have heard already two or three speeches on this matter, but I register a protest at the continuation of Government policy of abolishing boards and placing departments under the control of a Minister. This happened in the case of one department last session. These undertakings are Government departments inasmuch as their money is provided by the Government and the profits come into revenue. Differently from the Electricity Trust, we have here a board that acts between the Minister and the department, so the Minister has the opportunity of taking advice from an independent board that is to be abolished by this Bill. Rather, I should have welcomed something that took the board farther away

from Ministerial control, somewhat on the lines of the Electricity Trust, which is free from any interference from Ministerial sources in its administration.

The Hon. Sir Norman Jude: Is there any guarantee for the future?

The Hon. Sir LYELL McEWIN: I was just about to say that. The guarantee for the future will, I hope, be in this very Council, because I am trying to point out the difference between the Electricity Trust and the Harbors Board. I should have preferred this undertaking to be put under the control of perhaps an even larger board than we have now, where it would be operating under the administration of competent people with some knowledge of commerce and business. If the Government so desired, it could call upon them to make some contribution to Government funds to replace, perhaps, what the Government is getting at present. We have seen already in the previous session how this very department has been used as a taxing authority and how considerable revenue was earned by reason of the regulations made last session. That is no guarantee that, when we put this undertaking under Ministerial control, whilst it will collect revenue for the Government we shall have anything in the nature of an efficient administration.

Previous speakers have referred to what is taking place in the area of transport. We have seen attacks by the Government on private enterprises in other forms of transport in an attempt to bring them under control. Are we to have the same sort of thing in relation to shipping? If so, it will be to the detriment of the State's economy in relation to trade and commerce. So, whilst I admit that the Harbors Board is already a Government department and the Government is merely putting into effect its policy, this is unique because I know of no other State in Australia or any other part of the British Commonwealth where such an authority is under Ministerial control. If it does apply elsewhere, I shall be interested to hear from the Minister. Furthermore, I should like to hear from the Government the real reasons why it is abolishing the board to run it departmentally, unless it is just its straight-out policy of placing everything under Ministerial control. I shall be glad to hear the Minister on these matters, because I feel that this Bill is a retrograde step. If it is put into effect by this Government, it may have to be reconsidered by a future Government.

The Hon. M. B. DAWKINS (Midland): At this late stage of the session, I certainly do not wish to speak at any length on this measure, but I indicate at the outset that I intend to oppose it. Many boards have been established by Governments over the years, some by the previous Government and some in earlier years. Some are trusts and others are boards but, in essence, they do the same sort of work in that they administer some section of the State's authorities or development schemes. Some trusts and boards have been most successful and I mention especially the Electricity Trust of South Australia and the South Australian Housing Trust as well as the Harbors Board. As the Hon. Sir Lyell McEwin has said, I believe that the Harbors Board is not quite in the same category as the other authorities, but it has an enviable record. Probably its record is not as spectacular as that of the two bodies I mentioned earlier, but nevertheless it is a fine one when considering its value to the people of South Australia. Why replace an authority that has done as well as this one has done? In the second reading explanation the Minister made the following comments:

> There appears to be no good reason why harbours could not with great advantage to the State and the public operate more efficiently through a department directly answerable to a Minister and always available to a Minister for counsel and judgment. It is the Government's policy that harbours should be under the direct control of a Minister fully responsible to Parliament and the people.

Personally, I can see no good reason why harbours could not continue to operate with great advantage under the existing set-up. The only reason for any change is that it is Government policy, but I do not think that it will be an advantage. The question should be: "Is it good policy?" Without hesitation I say that it would not be good policy to bring such a public authority under the control of the Minister. I believe every Minister would privately agree that he is overloaded with work and responsibility. I also believe that we must consider carefully before making alterations to any organization that has done and is doing such good work.

I suggest we should not disturb an authority that is functioning so well. The Hon. Mr. Gilfillan said that, as far as he knew, there had been no criticism by the Government of the Harbors Board. The reason, I suggest, is that there is little or no room for criticism, and I believe this to be so. As far as I am aware, most powers in all or most of the main sea ports of the world are vested in a harbours

authority, and I believe that in South Australia we have a good authority. It may even be made better, as the Hon. Sir Lyell McEwin has suggested, by making it more like the Electricity Trust, but I believe that we have a good authority and I see no reason for changing it. I oppose the Bill.

The Hon. C. R. STORY (Midland): I rise to speak briefly to this Bill. I have had contact with the Harbors Board in various fields, from the Murray River where the board extracts wharfage dues, to tying up boats and also in the work of the Public Works Standing Committee. I think the board is a good one and that it is doing a good job. It seems strange that, at a time when the Government has been saying for some time, "We are doing this so that we will be in conformity with the rest of Australia; the other States are doing so-and-so and that is why we have to do it", suddenly we are the odd man out by placing our port authority under Government control.

The Hon. Sir Norman Jude: It will be three odd men out.

The Hon. C. R. STORY: That is so. The Government seems to be inconsistent in this measure, but I realize it is necessary for it to carry out its policy. This Council has a good record since this Government assumed office, and it has allowed the Government to implement its policy in all matters not permanently affecting the established pattern of the individual. If the Government has chosen to introduce this Bill I shall not oppose it. However, in 1968 when another Government is elected I sincerely hope that it will have a good look at this matter and reconstitute the board, though perhaps not on the same lines as it exists today. At least the board has always made a profit and been able to look after its own affairs efficiently. I presume one of the reasons why the Government has introduced this Bill is that it will be able to place the revenue from harbours under direct control and be able to spend the profits therefrom in any way it likes. At the moment the Harbors Board looks after its own affairs. In fact, it nearly provided itself with a new building.

The Hon. G. J. Gilfillan: That would have been from an allocation.

The Hon. C. R. STORY: Yes, but the board makes its own profit.

The Hon. F. J. Potter: The money goes into Government revenue.

The Hon. C. R. STORY: Yes, but it was still under the control of, and was raised by, the board; it would be departmentally run in future. I hope that a new Government will establish control along lines similar to the harbours trusts existing in other parts of the world because such trusts are working well.

The Hon. R. C. DeGARIS (Southern): In speaking to this Bill I point out it is a complex measure having a simple object. The Bill abolishes the Harbors Board and creates a department solely under the control of a Minister, but that Minister will not have the service of a well-informed board to assist him. The board has operated over many years to the entire satisfaction of the people of South Australia.

The Hon. G. J. Gilfillan: Within the limits of its financial allocation.

The Hon. R. C. DeGARIS: Yes, that is so, but it has operated to the satisfaction of the present Government because it is one of the few departments making a profit. I see no reason why any change should be made in the administration of harbours. However, it is Government policy which was clearly indicated—

The Hon. Sir Norman Jude: Is the honourable member sure that it is?

The Hon. R. C. DeGARIS: I am positive it is. Time and time again we have heard the reasons given for Ministerial control of everything, and even going beyond the control, the Minister having often been given powers of discretion with no Act of Parliament to guide him.

The Hon. C. M. Hill: The measure would not be here if it was not Government policy.

The Hon. R. C. DeGARIS: That is true, but this was clearly indicated in the policy speech.

The Hon. A. F. Kneebone: The Government has a mandate for it.

The Hon. R. C. DeGARIS: Yes, I believe the Government has a mandate, particularly with regard to the question that the Harbors Board at present is the means of increasing Government revenue and it has been doing so since this Government has been in power. However, I see no reason for any change in the administration of the board, nor do I see any advantage to the State in such a change. However, I intend voting in favour of the measure, but I reiterate the words of the Hon. Mr. Story when he suggests that when a new Government is elected in 1968 it closely examine the matter again.

The Hon. D. H. L. Banfield: Mr. Story did not say that.

The Hon. R. C. DeGARIS: He did. The Hon. Mr. Banfield has also made errors in figures during this session. If the Electricity

Trust was being dealt with in this way my attitude would be entirely different, because revenue is not received by the Government from that authority, whereas it is from the Harbors Board. I support the Bill, but see no reason why a change should be made or why a change in policy should occur.

The Hon. L. R. HART (Midland): I do not wish to record a silent vote. This is another move to bring into operation the Government's socialistic policy of abolishing all boards that are not under direct Ministerial control. It is the Government's policy to build up within its departments huge empires, regardless of the cost to the State. The Harbors Board controls a large department and the volume of business under Ministerial control will be such that before long we shall be asked to agree to the appointment of an additional Minister.

Under this Bill, the Minister will still require advice, but he will be advised by public servants and at a greater cost than is involved at present. One wonders what will be the next board or trust to be abolished and put under Ministerial control, and so create another empire. I do not wish to delay the Government in bringing in its socialistic policy. At the last election the people said they preferred that policy, and it is not for me to deny them their wishes. As much as I detest the Bill and hate the thought of the harbours being placed under the control of the Minister, with another huge department being built up, I support the Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I find myself much in accord, in general, if not in particular, with the views of the last three speakers. I, in exercising my right to consider this matter personally, think the Harbors Board has done a good job over the years, with the various personnel that have been on it. I do not think the position will be much different when the Minister has control. I would not have thought that this change was necessary but, if it is what the Government wants, the Government is entitled to have it.

That has been my policy since the Government was elected. If I thought it had a mandate for any matter or if I thought that it was justified, in accordance with the implications of the policy speech rather than any special mandate, in doing something, I considered that the Government was entitled to do it, and that it was our duty to support it. I do not think the Bill will cause a great deal of change, except that the board will cease to function. I imagine that the executive functions will be carried on in much the same way as they have been carried on hitherto. I shall be sorry to see the board go, but see no justification for opposing the Bill. Therefore, I support it.

The Hon. Sir NORMAN JUDE (Southern): I would have preferred the Government to take a constructive attitude when it introduced the Bill by giving the Council a chance to suggest that the membership of the board be increased, particularly by the appointment of a representative of the shipping interests. The board has done a big and excellent job over the years, but I have always thought it would be desirable to have a representative of the shipping interests on it. When I made that suggestion on one occasion I was immediately told that, if that were done, it would also be necessary to appoint a representative of the waterside workers.

This is another item in a long list of Socialist policies, and I think that some honourable members are somewhat naive when they say, "This is Government policy." This is where the discriminating gentleman in the woodpile turns up. I think we have to refer to him in that way now.

The Hon. Sir Arthur Rymill: You must not discriminate. The Bill has not yet been passed and it has not yet been proclaimed.

The Hon. Sir NORMAN JUDE: The Ministers in this Government are not as keen to overload themselves with work as would appear from the Bill. I consider that they are being pushed into this by a strong outside body and that it is the policy of that body that is bringing some of these Bills to Parliament. If the Minister disagrees with that, he can say so. I abhor the Bill.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): First, let me say how much I appreciate the manner in which all honourable members dealt with the Bill. My colleagues here and elsewhere thank the Hon. Mr. Rowe for his complimentary remarks. In almost every debate in this Council there has been mention of a mandate. I was waiting for it this time and was not disappointed.

The Hon. Sir Arthur Rymill: You heard it in a satisfactory way.

The Hon. A. F. KNEEBONE: Yes, and I hope that what I say will not offend the Hon. Sir Arthur Rymill, because he is with us on this occasion, and I hope I do not lose his vote. I do not know what school of logic honourable members attended but my own reasoning is that, if there is no mandate in a policy speech

for a particular item, surely it is therefore indisputable that the electorate votes for the whole policy of the Party, and that the Government Party has a mandate for the whole of its policy.

The Hon. Sir Lyell McEwin: It could be the best of a bad lot.

The Hon. A. F. KNEEBONE: It is the best of a bad lot, then. How bad must your Party's policy have been if this is the best of a bad lot? Members cannot say that the Government does not have a mandate for any item of its policy.

The Hon. Sir Arthur Rymill: What if it did not say anything about the item at all?

The Hon. A. F. KNEEBONE: The things members opposite talk about have always been things that have been in the policy. Members say, "Joe Blow did not vote for that item of policy; Bill Brown did not for for that item of policy; and Mary Smith did not vote for that item." The Hon. Mr. Rowe went on to say that, because of the regulations which he mentioned, the board was completely under the control of the Government, and because regulations had to be laid on the table of Parliament it indicated that the board had no freedom but was controlled, and, therefore, not all powerful. Let me read some sections from the Harbors Board Act, 1936, which have not been amended since 1936. Section 67 states:

The board shall have the exclusive control and management of all harbours in the State, and of navigation therein, and of all such harbour works as are not private property.

Section 68 states:

The board shall have the exclusive control and management of all light houses, lightships, buoys, beacons and other sea marks within the limits of the jurisdiction of the board, which are not vested in the Commonwealth of Australia, and, without limiting the effect of this section, shall have power to do the following things, that is to say—

(*a*) to fix the site and to determine the nature of any new lighthouses and lightships and the order of the lights thereof, and to construct and acquire all requisite works, roads, and appurtenances, and to cause any existing lighthouses or lightships to be altered or moved:

(*b*) to erect or place any new buoys, beacons, and sea marks, or alter or remove any existing buoys, beacons, or sea marks:

(*c*) to vary the character of any lighthouse or lightship or the mode of exhibiting lights therein.

It has complete power over these things. Section 54 states:

Any two commissioners shall constitute a quorum of the board.

Section 55 states:

At all meetings of the board the chairman, or in his absence the deputy chairman, shall preside and when only two commissioners are present the chairman or deputy chairman so presiding shall have a second or casting vote.

Therefore, all the control on these items rests in one man, yet it is said that the control should not be put into the hands of the Minister.

Surely, the Minister is just as responsible as one commissioner. The Government's policy is that the department shall be under the control of a Minister answerable to Parliament, whereas at present this individual commissioner is not answerable to Parliament. As the Minister is answerable to Parliament, members could ask him questions regarding his department in the same way as other Ministers are asked questions about their departments. I heard one honourable member speaking about Socialism and all sorts of "isms" and "izes". The other day the Hon. Mr. Rowe said he had become mellow in recent times, and I interjected that this might have been the result of his oversea trip. However, the little bit of mellowness that came out in regard to another Bill is not evident respecting this Bill. Perhaps his mellowness came as a result of his visit to England, where he saw a Socialist Government in operation. Perhaps this resulted in the mellowness he exhibited the other day. From England he went to Canada, where he visited Alberta and came under the influence of the Social Creditors. This resulted in a further change. The most unfortunate part of the trip was that on his way back to Australia he called in at that private enterprise empire of Disneyland, which resulted in bringing him back to his great reverence for private enterprise. I wish he had returned without visiting Disneyland, and that the mellowing result of his trip to England might have stayed with him longer than it did.

Some delays are caused by the promulgation of regulations. They remain on the table for some time in order that they may be disallowed if that is desired. We have seen regulations lay on the table from week to week and month to month, which causes a delay. The drafting of regulations is done by the board. It is a part-time board which meets only once a fortnight—

The Hon. C. R. Story: It has a full-time manager.

The Hon. A. F. KNEEBONE: Yes. The commissioners work on a part-time basis and, in the past, these people have been very busy in their own principal spheres. I do not know

how many times meetings have had to be put off because the commissioners were not available, owing to the exigencies of their own businesses. This is a delaying circumstance.

The Hon. R. A. Geddes: Does not the board have to meet fortnightly?

The Hon. A. F. KNEEBONE: I do not know, but there is a provision that a quorum has to be present before a meeting can take place. In regard to the matter of things being cumbersome, I find that the Hon. Mr. Rowe agrees with me on this. I think the Hon. Sir Lyell McEwin also said that he believed in an independent board. Where does the Hon. Mr. Rowe's argument apply, in connection with regulations, if there should be an independent board? The Hon. Sir Lyell McEwin suggested that the board should be further removed from control and be completely independent. The Engineering and Water Supply Department and the Highways Department, which each spends considerably more money than does the Harbors Board, have been under the control of a Minister, yet no member opposite would say that they were inefficient.

It has been suggested that even if this Government abolishes the board it may be set up again later. Is this an indication that the Opposition, which says it will regain office in 1968 (which I deny), intends to place the two very efficient departments I have mentioned under independent boards? If members opposite do not do this (and they had 30 years to do it but never did so), how can they argue that harbours should not be under the control of a Minister? I do not think they have any answer to that.

It is refreshing to hear members opposite say that they believe in uniformity with other States. However, they have said previously that we should not do things just because other States have done them. Their arguments are most inconsistent. In reply to the Hon. Mr. Dawkins's question, this is the policy of the Government. It has said that the department should be under the control of a Minister answerable to Parliament.

I thank honourable members for the time and effort they put into this debate, and I hope I have answered all matters raised. I commend the Bill to honourable members, and hope they will support it.

Bill read a second time.

In Committee.

Clauses 1 to 15, First Schedule, Second Schedule and Third Schedule passed.

Fourth Schedule.

The Hon. C. D. ROWE: I hope that the Minister will try to arrange for an early reprint of the principal Act, because it will be extremely difficult to make all the amendments set out in the schedules.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): As the principal Act has not been reprinted since 1936, I will bring this matter to the attention of the Minister of Marine.

Fourth Schedule passed.

Title passed.

Bill read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 3085.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which amends the Supreme Court Act in a number of different ways. It is remarkable that it deals with such unrelated matters as an increase in the salaries of judges, granting them retirement leave, providing for the payment of awards to infants direct, and producing an entirely new concept in procedure. I support entirely clauses 4 and 5, which deal with proposed increases in salaries for all Supreme Court judges and putting into statutory form the provisions for their retirement leave, which, I understand, has been granted administratively for some time.

In supporting those two clauses, I congratulate the present Supreme Court bench on the way it has tackled the problem of civil and matrimonial lists in that court. We are now in a position where we can get a hearing of a case in the Supreme Court about four months after it has been set down for trial. This has not occurred for many years. Probably the South Australian Supreme Court would be in a better position than any other Supreme Court in Australia. This has come about, first, because of the appointment of a seventh judge (which was obviously necessary), and, secondly, because some real attempt has been made by the bench to institute a system in tackling its cause list, which system has worked very well. All the judges are to be congratulated on the happy position in which we now find ourselves in the hearing of cases.

I turn now to clause 6, in respect of which the Hon. Mr. Rowe has given notice that it be an instruction to the Committee, provided this Bill is read a second time, that these matters be the subject matter of a separate

Bill. The matters dealt with in clause 6 are of two kinds. First, under a proposed new section 30a it is provided that the court is given power in any final, or even in any interlocutory, judgment order to order the payment of any amount or amounts of damages direct to an infant plaintiff. The wording of the new section is that any receipt of moneys by an infant plaintiff pursuant to a particular order of the court shall not be invalid "merely on the ground that the person giving the same was under the age of 21 years at the time of his signing or giving the same." This is a new departure in the paying out of judgment moneys, but it is not without precedent since this can be done under the provisions of the Workmen's Compensation Act. Accordingly, although it is a new departure, I think there are sufficient safeguards, because the matter is at the discretion of the court: it is not compulsory for this to be done. It is a power that the judges may exercise in special circumstances.

Clause 6 also enacts new section 30b, which deals with the power to make interim awards of damages. As the Hon. Mr. Rowe said yesterday, this is an important piece of pioneering legislation in law reform. No other court in the whole British Commonwealth has this procedure. The concept of this has great merit. The ultimate effect of it will be only good: it will ensure that people who are entitled to a judgment, particularly in accident cases, will receive a prompt award of some amount of money that will enable them to live in satisfactory conditions until the matter is finally determined. It is a fact that one of the greatest difficulties in common law actions for damages arising out of an accident comes from the fact that a person has to wait for sometimes an inordinate length of time before the actual damage suffered by him is finally determined. It is always difficult, of course, to get any medical opinion about any claim, because it may be years before the full effects of the damages and injuries suffered are apparent or before they can be said to be stabilized.

In the meantime, the person suffering cannot get any payment for his disabilities. He may be in receipt of some social service payments because he is out of work; he may, indeed, be in receipt of workmen's compensation, as a result of the amendment we made last year to the Workmen's Compensation Act; but, by and large, he has no other source of income if he is incapacitated. This idea of enabling the court to make some interim payment or award to cover not only his physical damages, including his pain and suffering, but also his out-of-pocket expenses that have to be met, including medical and hospital fees, is excellent.

However, like all reforms, it is bound to cause worry in certain circles, not so much because of what it says but what it does not say. Throughout the whole clause it is apparent that wide powers are given to judges of the Supreme Court; what they can do under this power is entirely, in most instances, within their discretion. If this Bill is passed, either as an integral component of the existing Act or in another Bill, the judges will be given complete say as to how orders may be made, the extent of such orders and the circumstances in which damages may be awarded in an interim judgment.

I believe we may place complete confidence in the Supreme Court judges and their ability to use this legislation sensibly and, in the process of time, to establish certain guide lines. I think it is important that both the members of the legal profession and the insurance companies (who, after all, are the people who finally have to pay damages in common law claims arising from accidents) have a clear idea of those guide lines. The legal profession could then advise clients what they should or should not do, and insurance companies would have a better idea of what legislation of this kind will cost over a period of time.

I believe from the latter point of view alone there is nothing in this clause that will impose an additional burden on insurance companies; in fact, it is possible that the ultimate impact might be less for insurance companies in certain cases. I think it is a pity that the Law Society of South Australia was not given the opportunity of examining the ramifications of this legislation before the Bill was placed before members of this Council. I know there have been unofficial discussions between the Chairman of the Law Reform Committee of the Law Society and Justice Hogarth, one of the principal architects of this Bill.

However, although those unofficial talks may have dealt with most of the problems that may arise from this legislation, it is not quite the same as having such discussions carried out on an official level. I regret that this was not done and I would like the Law Society to have the opportunity of officially considering this measure through proper channels and of advising the Minister of any aspects causing concern. In saying that, and after reading

this new clause, it seems to me it is so new and is drawn in such a way as to give full discretion to the judges of the court, and if the matter was left for perhaps a few months there could still be considerable debate. It would even be possible that we would not be any further advanced with the actual construction of the clause than with the one before the Council today. In fact, I think there may be a danger that the more one thinks of this matter the more imaginary bogeys may be discovered that may or may not be there.

I think the only way we can find out if there are any discrepancies or matters that have been overlooked by the architects of this new clause is to place the matter before the court and legal profession which is actively engaged in the conduct of such cases. I believe only time and experience, together with the exercise of the jurisdiction, will determine problems that may exist. Yesterday the Hon. Mr. Rowe read a statement prepared for him by a leading member of the profession with a good deal of knowledge of this type of case. I think that statement alone should demonstrate sufficiently to members that problems do exist in connection with this legislation that need to be carefully considered. I have no doubt that the list as read by the honourable member would not be an exhaustive one and that other problems will arise.

The Hon. C. M. Hill: The honourable member seemed to be doubtful whether the Law Society would be unanimous on the question.

The Hon. F. J. POTTER: Yes, and I am doubtful whether is is possible to be unanimous at this stage because I think it is something that we must watch and see how it works.

The Hon. A. J. Shard: It is a trial and error kind of business.

The Hon. F. J. POTTER: It is trying to provide for something that does not now exist. Because of that, nobody has had any experience of it and consequently people are entitled to be a little afraid of things of that type. It is understandable that the legal profession should be a little apprehensive about something quite new. This legislation is new and I would prefer to see a careful examination of the Bill, perhaps a more careful examination than appears to have been made, but I still have my earlier reservation that even if this was left for two years we could still argue about its rights and wrongs. In saying that, I indicate that if there is sufficient support for the passing of this Bill in its present form, I should like to have an assurance from the Chief Secretary (the Minister in charge of the Bill in this Chamber) that if any difficulties arise in administering the Bill the Government will give prompt consideration to dealing rapidly and effectively with them and with any injustices that may have to be remedied. I think this is one of the most effective measures introduced regarding common law actions for law damages. If it works well, other States will introduce similar measures before long. If they do, we shall be in the happy position of having shown the way in legal reform.

Many times we have led the way in South Australia, and sometimes we have led the world, in legal reform. The Hon. Mrs. Cooper will recall that we made history in the first year that she and I were members of the Council in connection with claims by spouses for damages. That measure has been followed in other places. Therefore, I commend the Government for the introduction of this measure. We may find difficulties, but I hope the Chief Secretary gives an undertaking that those difficulties will be ironed out rapidly. I support the second reading.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): There is no point in my speaking at length on this Bill. First, I am indebted, as I am sure every other honourable member is, to the two lawyers for the information they have given us. Yesterday the Hon. Mr. Rowe referred to the difficulties that could arise with the introduction of something completely new regarding a particular type of judgment in accident cases. Since then, further information has come to hand and we have had the assistance of the speech by the Hon. Mr. Potter. I do not think there could be any doubts about the principle of the legislation. I know from experience (and the Chief Secretary must also know) that problems arise in this matter in connection with hospitals and the payment of interim awards. I think that at every hospital conference reference has been made to the long periods (sometimes years) when persons injured in accidents are treated at country hospitals.

The Hon. A. J. Shard: I am told that sometimes it is five or six years.

The Hon. Sir LYELL McEWIN: Yes, and this Bill is an effort to provide for interim judgments. The problems that the Bill sets out to solve deserve most urgent attention. Much thought has been given to them over the years. South Australia has pioneered many things, and I see no objection to our pioneering in this measure. I agree with the

qualification that the Hon. Mr. Potter has made. Mistakes will occur: we have never had perfect legislation. If we did, Parliament would be out of business. We even find it necessary sometimes to amend legislation after it has been in operation for only one year. I am not concerned about that.

The Law Society has to consider the clients and, if the Government undertakes to introduce any amendment deemed necessary after consideration of representations by the society, through the Law Reform Committee, I shall be prepared to support the measure. I am sure that every honourable member agrees with the adjustment of the salaries of the judges and also that there is good reason for making provision regarding their leave. I hope we receive the Chief Secretary's assurance that any difficulty to which attention is drawn by the Law Society will be examined.

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill came to us only yesterday and we are now being asked to pass it. Apparently, from what I have heard from other honourable members, some of them are prepared to pass it on the say so of one or more people outside this Council. However, I shall not be a party to passing any legislation about which I have not satisfied myself by my own investigation. I also suggest that other honourable members should also satisfy themselves that any piece of legislation is a proper measure to be passed before they pass it.

That principle applies to any Bill but, when the legislation is novel, to suggest that we deal with it when it has been before us for only 24 hours and when the session is almost ended and when we are all busily engaged with other important legislation is quite unjustifiable. There may be some urgency in the matter of judges' salaries, and I am perfectly prepared to go along with that, but I think the Hon. Mr. Rowe hit the nail on the head when he said that this Bill should be divided, that we should pass the part that is urgent, namely, the judges' salaries, and that we should delay the other part until we have had time to look at it. After all, we are not doing what we did some years ago and adjourning until next July or thereabouts; this session is going to be stood over only until February. We have been without this kind of legislation for 130 years, and honourable members should not be panicked into passing it in 24 hours when, I undertake to say, there is not one honourable member in this Council (legal members included) who understands the full implications of the legislation.

I challenge anyone in the Council to deny this. The Hon. Sir Lyell McEwin said that he was prepared to accept an assurance that amendments would be presented to correct the Bill. To me, this implies that he knows that if we oppose the Bill in its present form it must need correction, and we all know that. Surely we are going to be permitted a little time to consider the implications of the Bill, so as to try to contribute something to it. I am not talking without some knowledge of this matter. I have practised in this jurisdiction for many years and I know something about damages cases, but I can assure honourable members that I do not know enough about the Bill at this stage, nor have I had anything like sufficient time to be able to inform myself on the implications of the Bill, or even on its detail.

There are many ramifications in regard to damages claims. There are even more ramifications when it comes to awarding interim damages, when anything might happen afterwards before a claim would normally be settled. I do not propose to pass this Bill "on the blind," and on the "say so" of people outside this Parliament, however eminent they might be. The Hon. Mr. Rowe has given notice of the ideal solution to this problem, namely, that we pass the urgent part of the Bill after splitting it. Then we shall have a comparatively short time to consider the implications of the rest of the measure. No other country, to my knowledge, has ever introduced this type of legislation. Other countries have gone along for hundreds of years without it. South Australia has gone on for 130 years without it, so why all the hurry to push the Bill through in 24 hours, when not one honourable member could possibly understand its full implications? I support the second reading, purely because of the part relating to judges' salaries, and I sincerely hope that honourable members will vote for the splitting of the Bill, so that the non-urgent part may receive proper consideration.

The Hon. C. R. STORY (Midland): I rise to say that I support the Hons. Sir Arthur Rymill and Mr. Rowe. I, too, believe that this Bill breaks completely new ground. I know about one part of it at this stage, but I do know, however, that the judges do a very good job and that they ought to receive proper remuneration for the work they do. Therefore, we should agree to their salary increases, but I am in favour of having the Bill split and waiting a short time, so that due consideration may be given to it. It will finish up a much better Bill, as a result of further consideration

by people and experts, who will have the opportunity to thoroughly study it.

The Hon. R. C. DeGARIS (Southern): When I first saw the Bill I thought the direct approach to it was to split it into two parts. I do not wish to delay the part dealing with judges' salaries, but I am not sure of my feelings on the second part. I support the idea of having legislation so that an interlocutory judgment may be given. There are many ramifications in the Bill that some honourable members do not fully appreciate. One matter I should like the Chief Secretary to consider and give some interpretation on is clause 6, which states:

Notwithstanding anything in the Survival of Causes of Action Act, 1940, when damages are finally assessed under this section for the benefit of the estate of a deceased person where the deceased person died after action brought an interlocutory judgment has been entered in favour of such person, the damages finally assessed may include such damages in respect of any of the matters referred to in section 3 of that Act as the Court deems proper.

If this Bill is passed, it will mean that there will be two distinct classes—those cases where an interlocutory judgment has been given, and those cases where one has not been given. In one case, the Survival of Causes of Action Act applies, and in the other it does not. I do not know all the ramifications of this Bill, but I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given to this Bill in such a short time. I wish to say at the outset that at a meeting of Cabinet this morning the Government arrived at the decision that the Bill should go on as it is. I wish to read what is, in effect, a reply to what the Hon. Mr. Rowe said yesterday:

The Hon. Mr. Rowe states that it is still the wish of the Law Society that time should be given for the proper consideration of the alterations to be made. If by that the honourable member means that the society still wishes the Bill to be deferred to next year, that certainly has not been conveyed to the Government. We have a heavy legislative programme and there will be no opportunity to consider the Supreme Court Act again this session. There is not the slightest reason why work should be continually postponed.

The Hon. Sir Arthur Rymill: That is prejudiced!

The Hon. A. J. SHARD: The report continues:

In fact, after the exchange of letters between the Law Society and the Attorney-General, the latter saw the Chairman of the Society's Law Reform Committee, and accord on the measure was reached. As to the honourable member's particular points (*a*) this is in the discretion of the judges, who can make awards appropriate to the case; (*b*) on appeal, proceedings are usually stayed and the court would have power to make the necessary orders; (*c*) this, too, is in the discretion of the court; and (*d*) no, but no judge would award damages not proved.

Paragraphs 4, 5, 6 and 7: These matters were raised by the Law Society with Justice Hogarth, who replied as follows: "8. 'If general damages do not die with the person, this simply means a windfall for his dependants.' I do not think this comment is justified. Under the present law, damages will be assessed once and for all when liability is established, and the windfall in the form of the amount of judgment becomes payable then and there. In the contemplated case of the plaintiff dying shortly afterwards or before the time in respect of which allowance was made in assessing general damages, then his relatives or beneficiaries receive their windfall at the present time. The proposed section would do nothing to increase the liability which would fall upon a defendant in the event of a plaintiff's early demise in comparison with the defendant's present liability. On the contrary, in the more serious class of case to which this comment is most appropriate (I have in mind the paraplegic and the like) general damages at the present time must include a liberal allowance for the expenses of hospital and medical treatment and home nursing during the rest of the plaintiff's life expectancy.

If, however, the plaintiff were to die before the expected time, there is no reason why the defendant should be called upon to continue to make payments of this nature. So far as payment for pain and suffering is concerned, the form of the proposed section is broad enough to enable a court to make awards of general damages by instalments covering periods less than the plaintiff's life expectancy. If this were done, and if the plaintiff were to die early, there is no reason why such payments should be continued for the rest of the life expectancy. I have not dealt with all the possibilities which arise under this comment, but I hope that I have said enough to indicate that, in my view, the proposed section may lead to a reduction of liability on a defendant in the event of a plaintiff's early death, and would not add to the windfall which the law at present affords his relatives and beneficiaries in such a case.

Conversely, I think it is fair to say that, if a plaintiff were to live beyond the life expectancy upon which damages would at the present time be awarded, his entitlement to payments for care and treatment during the longer period, and for general damages in respect of that period, would add to the amount of damages which would be assessed under the present law. This, however, I think, only means that the law would be getting closer to doing justice than is possible at the present time."

Later, His Honor added:

"Point 8: I would emphasize that the proposed amendment does not add to any illogicality which exists in the present law, but is

calculated to remove some illogical results in some cases at least. That is to say, the real criticism of my suggestion is that it does not go far enough. I think, however, that it is necessary, to do justice to the parties, that the court should have the right to award some general damages even if the plaintiff dies before final assessment. Clearly, the award should not contain any allowance for facts which, on the plaintiff's death, can no longer occur; for example, continuing medical and nursing care, and continuance of pain and suffering. On the other hand, as is now established by Skelton v. Collins (39 A.L.J.R. 480), and my own decision in Mizon v. Mallee and Berry (1964 S.A.S.R. 185), where an accident shortens a plaintiff's life expectancy, in assessing damages for his loss of earning capacity regard should be had to his pre-accident expectancy; but the court should take into account (in addition to the usual vicissitudes and uncertainties of life) the fact that, if the plaintiff had survived for the full period, it would have been necessary for him to maintain himself out of his earnings. These decisions make it possible for a court to award damages in respect of the loss of wages during the period by which life has been shortened, to the extent to which it is reasonable to assume that the plaintiff's estate would have been enriched in the event of his death in the normal course, or, alternatively, to the extent to which his family would have been supported out of those earnings up to that time. I do not see any reason why a defendant should not continue to be responsible for general damages of this nature.''

The postponement of this part of the Bill will provide a delay in relief to numbers of people who badly need it. I anticipated some of the things that may be said on this Bill, and my expectations proved correct. We realize that this is a new departure, and Cabinet agreed that it would need close watching. Irrespective of when it comes into operation, the first 12 months will be the testing period to decide whether it is good or bad.

I have since seen the Attorney-General, and I assure honourable members that, if this Bill becomes law, it will be watched very closely, and any suggestions that the judges, the Law Society, or insurance companies may make will be looked at closely. The Government undertakes that as soon as possible it will introduce amending legislation to correct any anomalies or deficiencies that may be exposed. I ask honourable members to support the Bill as drafted.

Bill read a second time.

The Hon. C. D. ROWE (Midland): I move:

That it be an instruction to the Committee of the Whole on the Bill that it have power to divide the Bill into two Bills, one Bill comprising all clauses other than those dealing with the power to make interim assessment of damages and the other comprising the clauses dealing with the said interim assessment of damages, and to report the two Bills separately.

I realize that there is a divergence of opinion among honourable members on this matter, and I think that for this reason the opinion of the Council should be tested in this way. I listened with respect to what the Chief Secretary said, and I was a little disappointed at the wording at the commencement of the report. I do not think it is his wording; I think it has been drafted by the Minister in charge of the Bill, who is the Attorney-General. He says this:

We have a heavy legislative programme and there will be no opportunity to consider the Supreme Court Act again this session.

That is rather overstating the case. I have been expeditious in my speeches on various matters, and I have never attempted to delay legislation unduly. As far as I am concerned, I am happy for this matter to be considered now. The Attorney-General went on to say:

There is not the slightest reason why work should be continually postponed.

I did all I could yesterday to expedite and assist this Government on this matter. This is a new Bill. I took the trouble to get a copy of it before it reached this Council and I adopted the unusual course of speaking on it immediately after the Chief Secretary's explanation, without asking for the debate to be adjourned until today. Consequently, to be faced with a reply that ''there is not the slightest reason why work should be continually postponed'' is not fair, in view of what has transpired on this measure. I do not take offence at these matters but I thought, from the point of view of putting the record straight and because of the insinuation that I and other honourable members ''continually postpone'' legislation, I should make these remarks.

I read to the Council yesterday a statement running into about four pages of foolscap. It raised various points on this Bill that I thought needed consideration and that I still think need consideration. So we are in this position, that we are cutting entirely new ground, something for which there is no precedent, either in drafting or in administration, in any other part of the world. In those circumstances, is it better for us to let this legislation go on to the Statute Book and try it out in that way to see whether it is effective and whether there are any loopholes in it, or is it better to hold it up for only three months so that the powers that be can thoroughly examine it? I do not propose to enter into any argument whether the Law Society has had an opportunity to consider this Bill. The position

appears to be that what the Chairman of the Law Reform Committee (whom I hold in great respect, and maybe the Chief Secretary has some respect for his competency, honesty and integrity) had to say would be a correct interpretation. If I assess the position correctly I do not think, because of the time factor, that the Attorney-General would have had an opportunity to consider amendments suggested by the Council of the Law Society. That is what is really asked for in this Bill.

While I realize there is room for two opinions on this matter and while I have every respect for the people taking a different view from mine, in the circumstances I am bound to test the feeling of the Council on the matter. I take it the vote on this will determine whether we go on with the complicated and detailed procedure necessary to split this legislation into two Bills or whether we allow it to pass as it is. I am happy to take a vote on this to ascertain what honourable members feel about the remainder of the proceedings.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I support the Hon. Mr. Rowe in what he says about the statement provided for the Chief Secretary to read in this Chamber. This Council is becoming accustomed to slurs and insinuations from the Attorney-General and it has every right to object to such remarks when, as my colleague has said, we have not in any way held up the business of the Government. We have had a tremendous amount of work thrown upon us in the last fortnight and we have dealt with it and kept the work of the Council up to date. The saying is that two wrongs do not make a right. I am not prepared to prejudice my own judgment because of the remarks made by somebody in another quarter outside this Council. I have said previously there is merit in this legislation. I am not jealous of its origin: I think it is good for the community and have thought so for a long time, because my experience as a Minister convinced me of its need.

We have no guarantee that in February next we shall have any more information from the Law Society than we have now. Without experience, we cannot really test these proposals. If the Law Society is rich in experience, ample time should have been available by now. The Law Society is an honourable organization. I do not want to be misunderstood in anything I say about it. Its work is on a high level, but there are certain things that are impracticable, and this is one of them. It is not only the Law Society that is involved. If we are to wait to get the opinions of the insurance companies we shall find that many of them are not even based in this State —or in Australia, for that matter. The getting of decisions completely dissociated from what we have here would involve great delay. That aspect should be considered. I do not think enough mature consideration has been given to this. We do not want a stupid give it a go attitude. I am prepared to record my vote now.

The PRESIDENT: Do you second the motion?

The Hon. Sir LYELL McEWIN: No.

The PRESIDENT: I think the honourable member will appreciate that we should not debate this motion unless it has been seconded. Does Sir Lyell second it?

The Hon. Sir LYELL McEWIN: Am I out of order? Mr. President, you asked for a seconder after I had resumed my seat. I am sorry if I have offended. I think the motion has been seconded by Sir Arthur Rymill.

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. President, I did not think that Sir Lyell was offending against Standing Orders, so I did not speak as a seconder. In view of this, am I entitled to go on?

Mr. PRESIDENT: I have allowed Sir Lyell to speak. Having done so, I cannot retract my decision.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I formally second the motion. I should like to say (because I think I made myself perfectly clear about my attitude on this) that I have never before heard of a Parliament being asked to pass completely novel legislation, known nowhere else in the world, within 36 hours, especially when we are under great pressure in considering other business. To say that if it waits until the resumption of this session, which I understand will be on February 28, 1967, and that it will not be proceeded with because of the large legislative programme is, to me, completely phoney; I would not care to use any other word.

The Hon. Sir Norman Jude: Why don't we sit next week?

The Hon. Sir ARTHUR RYMILL: Yes; and how long are we going to sit after February 28? Is there any limitation on the time we shall be able to sit after that?

The Hon. S. C. Bevan: Yes.

The Hon. Sir ARTHUR RYMILL: Well, that is the first I have heard of it. There seems to be a certain arrogance creeping into the Government, if it wants to take the entire business of the Parliament into its own hands.

It may suit the Government to sit for a week, two weeks or a month, or whatever the time may be. I do not know what that time may be, but whatever it is I say that we can sit another day and consider this Bill in order to give it proper consideration. We can sit for another day, week or any time, even a month, on a Bill of this importance. Nobody will deny that this Bill has merit. I think most of us would like it to come into force, but we do not want to see a half-baked Bill come into force. I for one do not want to have the responsibility attached to me, or to this Chamber, of which I am so proud, of producing a half-baked Bill that may not work in practice. We, as members of this Chamber, have the individual responsibility of scrutinizing such legislation to the best of our ability.

Some of us have some legal training; we all have practical experience of the law and thus every one of us is capable of scrutinizing this Bill and imagining all the concatenation of circumstances that can occur in relation to the matters mentioned in the Bill. I have no doubt at all that it can be improved considerably before becoming law. The Chief Secretary said that the Bill will need close watching. What does that mean? It merely means that the Bill is not ready yet to become law. This is not like the Workmen's Compensation matter, which he referred to and on which I spoke last night, where it was found difficult, because of the artificiality of the situation, to find an amendment.

Amendments may be necessary to this Bill (and I imagine there may be plenty of them) but they will be perfectly capable of being drawn and, indeed, may well be already the subject of judicial decisions in matters where the law has already been ascertained in relation to other parts of the same concept of thought concerning damages in negligence cases. The Hon. Sir Lyell McEwin said, I think, that he ''did not want to adopt a stupid give it a go attitude''.

The Hon. Sir LYELL McEWIN: On a point of order, Mr. President, I thought my speech was disallowed and therefore those words were not used.

The Hon. Sir ARTHUR RYMILL: We will see what appears in *Hansard* tomorrow and then we will be able to determine whether Sir Lyell McEwin is right or not. I consider that I have a considerable duty in this matter and I have not had time to attend to it. The Bill only came here yesterday and I do not know when it was introduced into another place. I find myself incapable of following legislation in the other place; indeed, an implication of the Standing Orders is that we should not. As a member of a House of Review I prefer to accept legislation as it comes along and then consider it, because if I followed chapter and verse of debates in another place I would not be giving a fresh look at a Bill, as I try to do.

I say categorically that I have not had time to consider this Bill. I say it is a Bill that I should be able to understand and on which I should be able to make some contribution. It is a Bill that we have done without for 130 years; I also say we can do without it for another two or three months so that we can see whether it is proper in detail rather than in concept. I ask for time to be able to do what I consider to be my duty.

The Hon. A. J. SHARD (Chief Secretary): I do not wish to reiterate my remarks made when closing the second reading debate. However, I place on record that the Government is opposed to this motion and I ask the Council to let the Bill go through as it is presented.

The Council divided on the motion:

Ayes (12).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe (teller), Sir Arthur Rymill, and C. R. Story.

Noes (7).—The Hons. D. H. L. Banfield, S. C. Bevan, G. J. Gilfillan, A. F. Kneebone, Sir Lyell McEwin, A. J. Shard (teller), and A. M. Whyte.

Majority of 5 for the Ayes.

Motion thus carried.

In Committee.

The Hon. C. D. ROWE moved:

That according to instruction, the Bill be divided into two Bills, the first, to be referred to as Supreme Court Act Amendment Bill (No. 1), to include clauses No. 1 to No. 5 relating to the salaries and leave entitlement of judges on retirement, and the second, to be referred to as Supreme Court Act Amendment Bill (No. 2), to include clauses No. 6 and No. 7 relating to powers of the court to direct payment to infants and to make interim assessment of damages.

Motion carried.

Clause 1 passed.

[*Sitting suspended from* 6.4 *to* 7.45 *p.m.*]

Clause 2—''Commencement.''

The Hon. C. D. ROWE: I want to refresh my memory on this to make quite sure that we are covering all of the procedures which are necessary. I am not quite sure, Mr. Chairman, whether you put the question with regard to clause 1. At this stage, I think we have to consider clauses 1 to 5.

The CHAIRMAN: Clause 1 has been considered.

Clause passed.

Clauses 3 to 5 passed.

The CHAIRMAN: I remind the Committee that those clauses comprise the No. 1 Bill.

The Hon. C. D. ROWE moved:

That clauses 6 and 7 be postponed until after the consideration of Bill No. 1 has been concluded and reported.

Motion carried.

Title passed.

The CHAIRMAN: It will be necessary to insert in clause 1 the words "(No. 1)".

The Hon. C. D. ROWE moved:

At the end of subclause (1) of clause 1 to insert "(No. 1)".

Motion carried.

The Hon. C. D. ROWE moved:

That the Chairman do report the No. 1 Bill without amendment, that progress be reported on the No. 2 Bill, and that the Committee have leave to sit again.

Motion carried.

The PRESIDENT: The Committee has considered the Bill and divided it into two Bills. I report No. 1 Bill without amendment, and report progress on the No. 2 Bill, and the Committee asks leave to sit again in respect of the No. 2 Bill.

Committee's report adopted.

Bill No. 1 read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL (No. 2).

The Hon. C. D. ROWE moved:

That it be an instruction to the Committee of the Whole on the Bill that it have power to consider an amendment to insert the words of enactment.

Motion carried.

In Committee.

The Hon. C. D. ROWE moved:

That consideration of postponed clauses Nos. 6 and 7 be further postponed until after consideration of new clauses Nos. 1 to 3.

Motion carried.

New clause 1—"Short titles."

The Hon. C. D. ROWE moved to insert the following new clause:

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act (No. 2), 1966."

(2) The Supreme Court Act, 1935-1965, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1966."

(3) The Supreme Court Act, 1935-1965, is hereinafter referred to as "the principal Act."

New clause inserted.

New clause 2—"Commencement."

The Hon. C. D. ROWE moved to insert the following new clause:

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

New clause inserted.

New clause 3—"Incorporation."

The Hon. C. D. ROWE moved to insert the following new clause:

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

New clause inserted.

The CHAIRMAN: I point out that clauses 6 and 7 will need to be renumbered 4 and 5.

Clause 6—"Enactment of section 30a of the principal Act."

The Hon. C. D. ROWE: I move:

That progress be reported.

We have been particularly busy up until this late hour, and this clause and the succeeding clause make substantive alterations to the law. In my speech yesterday, I set out the difficulties that arise in connection with these matters. I believe it is asking too much of the Committee to give detailed consideration to a major amendment to the law at this hour of the morning. I point out that Parliament will meet again early next year and that we shall have an opportunity to consider this Bill then in a better light and with a better chance of clearly understanding its provisions than we have at present.

Also, this Bill can be of benefit only when the Supreme Court is sitting, which it will not do (except in relation to particular matters) during most of December and January. Therefore, I do not think we would be doing much harm to anybody or causing any real inconvenience if we agreed to postpone consideration of the Bill. I point out that I am in full sympathy with the general principle in the Bill and with the assistance it will give to country hospitals. Nevertheless, on a matter that requires a major decision we should have adequate time for consideration.

The Committee divided on the motion:

Ayes (12).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe (teller), Sir Arthur Rymill, and C. R. Story.

Noes (7).—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill, A. F. Kneebone, Sir Lyell McEwin, A. J. Shard (teller), and A. M. Whyte.

Majority of 5 for the Ayes.

Motion thus carried; progress reported.

Committee's report adopted.

The Hon. C. D. ROWE moved:

That the Committee have leave to sit again on the next day of sitting.

The Council divided on the motion:

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

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Motion thus carried.

MARKETING OF EGGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 3111.)

The Hon. H. K. KEMP (Southern): In speaking to this Bill I am glad to say that members on this side of the Council are answerable only to the electors of our districts. In the Southern District this Bill is a matter of great controversy. A fortnight ago, pressure was brought upon us to look very closely at the implications that are behind the amendments in the Bill at present and to determine whether they are fair to the majority of people who are engaged in the production of eggs in South Australia. The point of view was put to us that a mere 650 people would be eligible to vote for representatives on the board, and that this was a disproportionately small number of those engaged in egg production.

Our electorate is quite satisfied that the C.E.M.A. plan we have today must remain in operation. Before C.E.M.A., there is a great problem looming, and this is the tremendous increase in the production of eggs that has taken place since C.E.M.A. became operative. At first, it was said that this was probably due to the number of unrecorded eggs now brought under control for levy purposes and marketing. However, I think it is now realized that there has been a big increase in production, an increase which this year will lead to a very substantial increase in the levy per head to be paid.

That this production is going to continue is quite certain. I understand from the fertile egg producers of this State that this year we have had an all-time record in the number of eggs produced for the raising of laying hens, and the prospect is that the increase will continue. This is what has largely been behind much of the opposition to the C.E.M.A. plan, which undoubtedly has defects, and the problems will have to be overcome if the scheme is to survive.

However, there is no doubt that the industry is much better off as a result of the operation of C.E.M.A., and it is considered that the scheme must be retained and modified, if need be, as time goes on. I think that must be taken as my basic attitude behind the remarks that are being made and the criticisms that inevitably must be raised if we are to give a voice to the difference in opinion which is extant among producers. That opportunity can only be given here in debating those differences and deciding what is the right thing to do, without Party politics entering the matter.

In South Australia we have roughly the following population contributing to the egg crop: five producers only with more than 10,000 hens; eight producers with between 5,000 and 10,000 hens; 42 producers with between 2,000 and 5,000 hens and 94 producers with between 1,000 and 2,000 hens. There are less than 150 producers with a 1,000 bird flock. It is then that we start getting a sharp increase in numbers: 164 producers are carrying flocks of between 500 and 1,000 birds; 966 have 150 to 500 birds; 1,045 have flocks between 76 and 150 birds; and 1,735 producers have 75 birds or less.

We can see that essentially our egg-producing industry is mostly a small producer industry, and that the large producers are comparatively few. There are some disadvantages in that many of these small producers do not have the capital equipment, the facility or the volume of produce to give the good and rapid handling that eggs—quickly perishable produce —must have to maintain the highest quality possible.

Very often this is brought up as a criticism of the small producer. Nevertheless, I think we must appreciate that it is the small producer who is bringing most production to the industry. The large producer is producing high quality produce, and producing it probably more economically, but he is in a comparative minority when it comes to the actual production of eggs.

A request that came to me from the Murray Bridge district was that the number of birds to determine the franchise should be reduced from 250 birds to around the 100 mark. This would, on the figures I have given, increase the

franchise from the present 650 to about the 50 per cent line. The 1,745 producers with 75 birds or less are really not commercial producers but people who sell eggs mainly as a sideline for a very small part of their income, and they would be completely disfranchised. There would be about half of the 1,045 producers with 76 to 150 birds. On those figures, there would then be about 2,300 producers of the 4,000 who would not be entitled to vote. The vote would be extended from the present 650 to 1,700 or so by lowering of the franchise to 100 birds.

The job tonight, as far as I can see it, is to decide what is the just and fair thing to do for these small producers. Under the proposed franchise in the Bill, with 250 birds in production over roughly a six-month period, about 650 could vote as against 1,700 under a 100 bird franchise. The question is whether or not that is a fair thing, or whether the franchise should be altered to something in between to give a reasonable representation but to still keep the control of the industry reasonably in the hands of people who are deeply committed to it.

An unfortunate thing with all agricultural marketing legislation is that as soon as profitablity goes up inevitably we get an enormous increase in production. Of all agricultural crops, except very short-term vegetable crops, I should say the laying fowl industry is probably the most sensitive. It takes about six months to bring an egg to a hen in the laying stages, and even with the potato crop it takes us very much longer to grow good seed and prepare for a crop increase that is going to be substantial. In the case of the egg industry, we can have a rapid growth, which is obviously taking place at present and which is obviously going to continue, and the people that are elected to this board have a very difficult task ahead of them to cope with the coming growth if they are going to keep the C.E.M.A. plan working in spite of the manifest disadvantages.

Undoubtedly there is within the industry a deep schism on what is the right thing to do, and in the last few days there has been representation from organized producers that probably the standard that is at present laid down is correct. I think in putting this view forward we must labour the fact that a 250-bird producer is in poultry raising little more than as a small sideline producer. He is certainly not a major agricultural producer; it is strictly a sideline production but it is of considerable financial importance to him.

The man with about 400 birds plays a major part in the industry, and those with 1,000 birds are probably drawing most of their income from this industry. It must be assumed that the man with 500 birds or upwards has a major commitment in the industry; he should have a voice in the running of it.

The purpose of my proposed amendment is to have this matter debated thoroughly. We should consider whether it is right or not to reduce the level a little below the 250-bird mark. The fear expressed to me by eight or nine people in the last few days is that the lowering of this franchise will make the C.E.M.A. plan vulnerable to interference by people with no great interest in the industry. This aspect should be looked at carefully. There is here a difference of opinion between people who have committed themselves deeply in antagonism to the C.E.M.A. plan because of their realization and appreciation of its inherent defects. These defects arise from the fact that the whole object of C.E.M.A. is the inevitable increase in profitability.

There has been no opportunity yet for the operation of the increased levy that must inevitably reduce the profits that will occur as production increases and exports increase. After all, the C.E.M.A. plan has been with us for only 12 months but in that time the effect already has been that the levy on birds has had to be increased. The prospect for the next 12 months is further increased production. What happens to the C.E.M.A. plan if it continues? We shall undoubtedly have a decrease in profits as the levy increases. This will make a different impact on the big grower compared with the small grower. Its effect is not yet sufficiently appreciated by the industry.

The big grower at present is by far the most efficient grower and the present trend is, with increased profits, for the big grower to get bigger and for the small grower to become a bigger grower. This means that more people will be wholly dependent on egg production for their incomes. They thus become very much more vulnerable to the next phase, where levies increase and profits decrease.

Efficiency can go only so far. We may reach the stage where production becomes so great that high levies have to be imposed and where the realization on the eggs is about the same as the cost of production, or a little less. This will hit the big grower whose major occupation is egg production more seriously than the small and the very small grower.

The experience in all agricultural industries has been that, when this level of unprofitability approaches, the producer normally works harder and produces more, trying to make up the difference; but the man with a large capital commitment, on which he is paying interest, cannot survive for long in those circumstances.

We have seen this happen in so many industries already that that truth is irrefutable. The man with not so large a capital commitment who can substitute his own labour in the face of a decreasing return becomes important. Probably in the near future we shall have a considerable increase in the number of big growers, and medium growers who become big growers. With the inherent weakness of C.E.M.A., there will be a big wastage of the big growers, and the small growers will become more important within the industry. This should be borne in mind when we go into Committee and decide what should happen to the proposal to lower the number of birds to qualify an egg producer to have a vote for the board.

One or two other things should be kept in mind. I gather that those eligible to vote in the election of representatives number about 650 under this new scheme. In the past it has been a lower figure. My point is that only 60 per cent of them have never troubled to make use of their right to vote, which indicates some apathy among about 40 per cent of the growers. However, in the other 60 per cent there is far from apathy: there is a high degree of interest. In fact, there is almost a fanaticism about what is the right thing to do. The only way to solve this problem is to bring it to this Council for consideration and full debate. I understand that the Hon. Mr. DeGaris has an amendment on the file. These two amendments must be considered together. They originate from interested parties. There is some case for lowering the franchise, although I do not suggest that it be lowered as far as 100 birds, as my amendment proposes. If that were done, about 2,300 growers would not have the opportunity of voting for representation of their own industry, and that is a substantial degree of disfranchisement. We should consider the operations of other marketing boards, of which the members are elected by growers to control the sale of produce.

In the case of the citrus industry, the franchise is limited to growers who have 50 trees or more. An orchard comprising 50 trees would occupy only half an acre and would be a very small citrus orchard indeed. It would be comparable with a poultry farm comprising about 100 or 150 hens. In the case of the Wheat and Barley Boards, there is a completely open franchise. Anyone who delivers wheat or barley is eligible to vote.

The Hon. D. H. L. Banfield: What is the position with the Wool Board?

The Hon. H. K. KEMP: I think the honourable member is more familiar with that than I am. The larger growers in the poultry industry fear that, under the amendments of this Bill, there is a risk of C.E.M.A. being attacked by smaller growers and by people who are interested not in orderly marketing but in trade with other States. They say a franchise such as that proposed could result in board members who are now working successfully on a difficult problem being displaced by people who are not interested in orderly marketing. I do not think any of us has any intention of endangering the orderly marketing of eggs. The present C.E.M.A. plan, with all its defects, represents a great step forward when compared with any arrangement that has preceded it. I should like those points considered in the Committee stage. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. H. K. KEMP: I move:

In the definition of "producer" to strike out "two hundred and fifty" and insert "one hundred".

I think I covered this matter adequately in my second reading speech, and I do not think it is necessary to elaborate on it.

The Hon. S. C. BEVAN (Minister of Local Government): I oppose the amendment. This proposal was discussed in another place and rejected. If we strike out "250" and insert "100" we are then including a part-time producer of eggs, someone who has 100 hens that he runs in conjunction with other farming activities. He then qualifies not only to vote for but to take a seat on the board.

I thought we were legislating for the producer who made a livelihood from this industry. However, these people would not be doing that. The 250, which is the figure prescribed in the Bill, was accepted in 1963 by the previous Government, based on 3,000 dozen eggs delivered to the board. This has been the accepted principle, and it still applies. The 1965 amendment was based on 250 birds, but

was broadened to include all producers including operators from other States. It is only those who can claim a significant part of or their total income from egg production who are entitled to have their names included on the roll of electors. I could not accept a producer with 100 hens in that category.

A producer keeping 100 birds is essentially a sideline producer who can come or go at will, not being vitally interested financially in the industry. I know there have been protests by individuals about this, that the number should be reduced; there have also been protests from producers over the border, who are, however, basically interested in the markets on the other side of the border; they are not interested in South Australia. If we accept this amendment, we place ourselves in the position where those people can exert their influence, having in mind principally their own benefit, to the detriment of the *bona fide* South Australian producer. Producers owning 250 to 500 hens number 453, while 330 producers have 501 hens or more, making a total of 783.

The Hon. R. A. Geddes: Is that 783 producers or birds?

The Hon. S. C. BEVAN: Producers. Under the 1963 legislation, on the basis of 3,000 dozen eggs, there were 650 producers, so since 1963 there has been an increase from 650 to 783 producers. That alteration is more in conformity with the principle of giving a vote to the producer who is obtaining his livelihood from this industry. I ask the Committee not to accept this amendment.

The Hon. Sir LYELL McEWIN: I find myself in some embarrassment about this clause because, having been accused of being a party to ganging up against the Government, I now find that the Minister is advocating a policy on this Bill which is much the same as my own, while my colleague is proposing something with which I do not agree. It is rather confusing. It was interesting to hear the Minister now supporting a restricted franchise rather than a democratic system of "all in" which his Party advocates for the Legislative Council. I am trying to assess this question on the basis of what the Minister referred to as a significant part of one's livelihood, on the basis of 3,000 dozen eggs or 250 hens which applied hitherto.

I take it further. I have consulted experts in this industry and my opinion is that, if 250 hens are up to standard and producing the right quality eggs, they will bring in $10 a week, which should net $2 a year for each bird. That makes about $500 a year for 250 hens. On this occasion the Minister is on the right track. I support him because any lesser number of hens would not represent a significant part of one's income.

The Hon L. R. HART: I, too, support the Minister but for possibly different reasons from those of the Leader of the Opposition. There must be a reason why the amendment reduces the figure from 250 hens to 100 hens. If it is for democratic reasons, why has the figure of 100 hens been selected? The Bill provides that a person with 20 or more hens has to pay the levy. If we are broadening the franchise we should provide a figure of 20 hens. Perhaps this amendment has been prompted by dissatisfaction with the present board, but whether this dissatisfaction is justified is another matter. At the poll on April 27, 1964, 605 people were entitled to vote. Of those 360, or 60 per cent, voted. These people each produced 3,000 dozen eggs or more a year.

For the appointment of producer representatives on the board, the State is divided into three districts. In No. 1 district 112 people voted out of 181, which was a 62 per cent vote. The person who won the poll received 67 per cent, a fairly high percentage, of the total vote. In No. 2 district 59 voted out of 113, which was a 62 per cent vote, and the winning candidate received 69 per cent of the votes, again a high percentage. In No. 3 district, 192 people voted out of 311, which was a 61 per cent vote. In that district, the winning margin was only one vote. Therefore, this district was thoroughly canvassed.

If the franchise is broadened and people who have little interest in eggs as a source of livelihood are brought in, the vote will not be as high. We should oppose this amendment. South Australia has more poultry farms than the other States, yet we produce only 8 per cent of the Australian egg production. Figures show that the small producers are satisfied with the board. In the last 12 months, the flocks of fewer than 75 hens (which flocks are held by the small producers) have made a net gain of 135 flocks and the net gain for all flocks in the State has been only 152. The greatest net gain has been in the small flocks, which proves that the small breeder is satisfied with the board. For that reason alone, we should not upset the balance of the board. I oppose the amendment.

The Hon. H. K. KEMP: The clause represents taxation without representation. It is on record that, at a meeting at Murray

Bridge, the Minister promised all producers an individual vote, and this has been referred to in the representations regarding the amendment.

Amendment negatived; clause passed.

Clause 4—"Election of producer members."

The Hon. H. K. KEMP: I do not wish to proceed with my further amendments, which were consequential on the amendment which has just been defeated.

Clause passed.

Clause 5—"Term of office."

The Hon. R. C. DeGARIS: I move:

In paragraph (c) to strike out ", the thirty-first day of March, 1968, and the thirty-first day of March, 1969, respectively, the order of retirement" and insert:

"and

(c) of the three producers who will be elected and appointed to succeed the three producer members whose terms of office are to expire on the thirty-first day of March, 1967—

(i) one shall be appointed for a term of one year;

(ii) one shall be appointed for a term of two years; and

(iii) the other shall be appointed for a term of three years,

calculated as from the first day of April, 1967, the length of term of each".

The principal Act provided that three producer members of the board shall stand at the election on March 31, 1967. The Bill provides that, instead of an election taking place on that date, the term of office of two members shall be extended. This will produce a staggering of the terms of office of the producer members of the board, each retiring in succeeding years in a period of three years. I do not object to this staggering, but it is being effected by extending the period of service of members already on the board and by doing away with the provisions of the Act. Why has this been done, when an election could be held, and provided for in the principal Act, and the term of the producer members is being extended? We should abide by the principle laid down in the principal Act. If the members have been elected, the staggering should take place after the elections.

The Hon. S. C. BEVAN: I am forced to oppose the amendment. We have representatives on the board now who are experienced. Although it may be improbable, it is not impossible that at the next election, for instance, all members would retire, and if an election is held there could be a complete change in the membership of the board, so we could have inexperienced representatives on it. The three producer members of the board have the confidence of the people they represent. The first representatives of the Egg Board came to the Minister with suggested amendments to the Act and, when asked whether these had the support of the industry, they assured the Minister that they had. Last week additional information was sought to clarify the position in order to see whether the proposed amendments to the Bill did have the support of the industry concerned.

Three letters were received from major organizations in the industry. I will quote the organizations and the contents of the three letters, as I think it will enable honourable members to see that the organizations do support this legislation. The first letter is from Mr. T. V. Gameau, President of the South Australian Hatcheries and Poultry Producers Association, and states:

Members of this association are in complete agreement with the amendment to the Marketing of Eggs Act, 1941-65, now before Parliament. It is vital to our industry that the amendment in regard to the term of office be implemented. We trust that your Government will give full support to this very vital amendment.

The second letter is from the President of the Red Comb Egg Association Incorporated, and states:

The committee of Red Comb Egg Association Incorporated would like to reiterate their support for your motion that the election of producer members to the South Australian Egg Board be staggered so that only one producer member would come up for election each year, thus enabling the board always to have at least two producer members who are conversant with current board activities. We trust your Government will see its way clear to adopt this recommendation.

The third letter is from the Secretary of the United Farmers and Graziers of South Australia Incorporated (formerly the A.P.P.U., poultry section), and states:

The poultry section of this organization are in favour and request the amendments for staggering of elections for producer members on the Egg Board and support the immediate implementation of these amendments. It is considered by the committee that if all producer members of the board are elected at one particular period it could endanger the continuity of policy of the board which would be both detrimental to the producer and the industry.

Honourable members will readily agree that the organizations whose letters I have quoted have large memberships and have the full confidence of their members in relation to these matters. The organizations were canvassed for their opinion on the amendment as far as the elections were concerned. They have

expressed a desire that the amending legislation providing for the staggering of elections should prevail right now and that the elections, as held, will provide that one member will leave the board each year, so that there will be a continuity of experienced men on the board.

Apart from that, I remind honourable members that, from 1941 to 1963, the producers had no right to vote. Since that time, the producers have had their own representatives on the board. I am confident that the producers want the continuity of experienced men on the board to protect their interest. Therefore, I have no alternative but to oppose the amendment.

The Hon. L. R. HART: Here again, I find myself in support of the Minister. The Egg Board consists of six members, three of whom are producer members. I think it should be conceded that it is a defect in the principal Act that provision was not made to enable that the election of the producer members should be staggered. If we accept the principle of staggered elections, we must be prepared to accept the Bill in its present form. If there is dissatisfaction with the board and it is desired to replace the board, why not expose the whole six members of the board rather than three producer representatives? I see no reason why we should be shooting at only the three producer representatives if there is dissatisfaction with the board. If we accept the principle of staggered elections we should accept the clause in its present form. There was opposition to the C.E.M.A. plan when it was introduced, and there could be ulterior motives to defeat the present members on the board and replace them with people opposed to the orderly marketing of eggs, and thereby possibly smash the C.E.M.A. plan. I think this would be a catastrophe for the poultry industry.

Although many of us may not have been happy with this plan when it was introduced, at least we have to accept it and live with it. If we endeavoured to take this plan away from the industry I think we would have considerable opposition from the industry itself. I consider that the board is carrying out its job to the satisfaction of producers, and that if other representatives replaced the present producer representatives they could not do the job any better.

What has been the criticism of the board? No criticism has ever been put up to the members of this place regarding the working of the board. There is just this feeling by certain people that the producer representatives should be exposed to an election at this time. One of those representatives will be exposed to an election next March; which one it will be will be decided by lot. No doubt sound counsel will prevail among producers, and they will appreciate what the board has done for them over the last three years and will reappoint this representative.

Exposing the three producer members at this stage would be extremely dangerous. As the Minister has said, it is necessary for the sound working of the board to have continuity of membership of those who have had experience in the industry. Perhaps the present board is a victim of the C.E.M.A. plan itself, which is a Commonwealth plan. This is where the criticism is coming from. As I said earlier, there will be more criticism in future, because one of the Acts under which the plan operates has been amended, and there will be a number of prosecutions of producers who are evading the payment of levies. These men are not small but big producers.

I have no doubt that there will be criticism in the next few months, and it is possible that this criticism could be taken out on the present members. I ask the Committee to reject the amendment and to accept the Bill in its present form.

The Hon. R. C. DeGARIS: After these extremely powerful speeches I do not feel so confident about this amendment. However, I point out that in no way am I casting any reflection on the three producer members, and in no way is the amendment opposed to the staggering provision or designed to smash the C.E.M.A. plan. All I ask is that the present Act be not changed and that the election be held in March of next year.

Amendment negatived.

The Hon. R. C. DeGARIS: I will not move the other part of my amendment.

Clause passed.

Remaining clauses (6 to 9) and title passed.

Bill read a third time and passed.

GLENELG TREATMENT WORKS.

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Glenelg Sewage Treatment Works Extensions.

SUCCESSION DUTIES ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2, 3, 6 and 18 and disagreed to amendments Nos. 1, 4, 5 and 7 to 17.

Consideration in Committee.

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

That amendments Nos. 1, 4, 5 and 7 to 17 disagreed to by the House of Assembly be not insisted upon.

Again, I think honourable members know my form on these conferences. I am not going to attempt to alter the opinion of any honourable member. Another place has refused to accept our amendments, and all I ask is that they be not insisted upon.

The Hon. Sir LYELL McEWIN: Honourable members have nothing before them as to what the message from the House of Assembly means. The Minister is really asking us to seek a conference, but without time to consider the amendments objected to, I have no alternative but to speak against the motion.

The Hon. A. J. Shard: I merely moved that the amendments be not insisted upon.

The Hon. Sir LYELL McEWIN: By the same token, I am not prepared to support the motion, unless I have time to consider it. This is an extremely complicated measure, and we have spent a considerable time in Committee discussing it. Whether there is any possibility of agreement on these amendments cannot be ascertained without some study of their implications. We were reminded constantly throughout the debate that the Government would not accept any amendments, and already it has changed its attitude and is accepting some of the amendments and not others.

Without a thorough examination, I do not think there is much room for compromise on the amendments that we placed in the Bill in this Chamber. None of the concessions which were offered by the Government in the Bill were interfered with here. Most of the amendments are to give some fair consideration to people who are expected to provide the extra $1,000,000 revenue to the State. We included those amendments, mainly to give people who had to pay the additional imposition some means of providing for it. To put before us a sheaf of amendments, aggregating 17, and ask honourable members to consider them in one motion forthwith is quite unreasonable. Unless the Minister is prepared to report progress and allow members time to peruse the amendments, I ask honourable members to vote against the motion.

The Committee divided on the motion:

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

Noes (15).—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 (teller), F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Majority of 11 for the Noes.

Motion thus negatived.

Committee's report adopted.

The Hon. A. J. SHARD moved:

That a message be sent to the House of Assembly requesting a conference at which the Council would be represented by the Hons. R. C. DeGaris, Sir Lyell McEwin, A. F. Kneebone, F. J. Potter, and A. J. Shard.

The Hon Sir LYELL McEWIN (Leader of the Opposition): My attitude on this motion is similar to what it was on a previous motion. During the entire discussion on this Bill we were faced with a completely negative and unco-operative Government. We were denied information that we sought, and when we put up amendments we were told quite blandly that the Government would not consider any amendments at all from this Council. Also, that is the implication in the message that we have received from another place. What can be gained out of a conference that sets out in that atmosphere?

The idea of a conference is that we endeavour to reach a compromise. However, we have already been advised that the Government will not compromise. We acknowledge that the Government was committed to certain things, and we accepted its policy on those things. We do not have the tall poppies for the Government to strip of their riches; the people we are concerned about are those in the middle-class bracket, who are the ones being affected by this legislation. We have the anomalous position that those who enjoy superannuation are untouched in the matter of successions whereas somebody who tries to provide for his estate by means of assurance has that added on to his estate. This is completely unfair and anomalous, and we completely reject it.

I tried to assist the Government. However, the position as a result of the Government's attitude was that the vote on the measure deteriorated from a vote of 14 to four to a vote of 10 to nine on the third reading of the Bill. What is the position regarding managers

of this House going to a conference with another place in these circumstances? I cannot agree to going to a conference in those circumstances with only the backing of a majority of one vote in this place. What hope would we have, perhaps after hours of wrangling, other than to come back and face possible defeat in the Council itself. I cannot accept that position and be one of those either to accept the idea of a conference or to accept a position as a manager. We tried in every way to help the Government, but we have had a point-blank refusal by the Government to discuss anything put before this Chamber. Can we except anything better when we go into a conference? Mr. President, the position is impossible, and I must oppose the motion.

The Hon. S. C. BEVAN (Minister of Local Government): I support the motion. I do not agree with the statement made by Sir Lyell. He said the Government had told him point-blank that it would accept nothing but the Bill, but I have no recollection of those terms being used by any member of the Government in this Chamber, and I feel that for members opposite to say they have not had co-operation in considering this Bill is not correct. Sir Lyell said that the vote in this Chamber deteriorated because the Government refused to negotiate, but I say that that vote was a foregone conclusion and that it was arranged before the actual discussion.

The Hon. Sir Norman Jude: That is entirely incorrect.

The Hon. M. B. Dawkins: It is completely wrong.

The Hon. S. C. BEVAN: Honourable members know as well as I know that those arrangements were made.

The Hon. Sir NORMAN JUDE: Mr. President, I think the Minister should substantiate his remarks.

The PRESIDENT: Order! The Minister will address the Chair.

The Hon. S. C. BEVAN: In my experience, whenever we have reached such a stage as this in this Council we have been willing to confer with another place to see whether it is possible to reach a compromise. If the Government accepts the amendments made in this place its returns on succession duties will be depleted. I have always thought that the principle in this place was to negotiate and to see whether agreement could be reached with the other House. If it is not possible to overcome difficulties regarding any legislation, that legislation is defeated.

The Hon. A. J. SHARD (Chief Secretary): I did not say during the debate on this Bill that the Government would not accept any amendments. I have not checked *Hansard* on that but honourable members will find that on at least four, five or six occasions we accepted amendments. To say that there were no replies to the points raised by honourable members—

The Hon. Sir Lyell McEwin: Are you closing the debate?

The Hon. A. J. SHARD: No other honourable member rose to speak, but I am prepared to sit down and let any honourable member speak. I did not want the motion to be put without giving a reply. It is not true that the Government did not give members any information. I think I read three and a half sheets of foolscap in reply to the second reading debate.

The Hon. R. C. DeGaris: But we did not get a reply in Committee.

The Hon. M. B. Dawkins: None at all!

The Hon. A. J. SHARD: That's not true. On at least six or seven occasions I read replies. I do not run away from facts. It is true that questions were shot at me that I did not answer and was not expected to answer. That is true, but it is quite a different thing to say that I said we would not accept any amendments; it is untrue to say that I never replied to any debate; it is untrue to say that I never replied to any amendments during the Committee stage.

The PRESIDENT: Has the honourable member finished?

The Hon. A. J. SHARD: No, not yet. Never during my time in Parliament (I stand to be corrected on this) have I heard of a request for a conference being refused.

The Hon. C. R. Story: You have a short memory.

The Hon. A. J. SHARD: I say that honestly.

The Hon. G. J. Gilfillan: In this case the motion is that we request a conference. That is different from refusing a conference.

The Hon. A. J. SHARD: I appreciate that, but I do not remember this Chamber ever refusing a conference.

The Hon. Sir Arthur Rymill: That is incorrect.

The Hon. A. J. SHARD: I can't remember it.

The Hon. Sir Arthur Rymill: Your memory must be at fault.

The Hon. A. J. SHARD: You have enough stalwarts to pull me up immediately if anything I say is incorrect. However, it has been the usual practice to agree to conferences. If

honourable members want to refuse a request for a conference, it is their prerogative and right; it is also their responsibility. We shall not be backward in telling the public that honourable members opposite are looking after the people they are really sent here to look after. It is another nail in the coffin of this Council when honourable members write down the standard of debate and the reputation of this Chamber outside. We were accused this afternoon of saying there was no co-operation, but there has not been a single money Bill that has come into this place that the Government has not been criticized for and which has not been carefully examined in an attempt to take off a little bit in almost every such Bill.

The Hon. Sir Arthur Rymill: But they have been far too demanding.

The Hon. A. J. SHARD: But that is not co-operation. You have not co-operated with the Government to the extent that one would have expected in money matters. It is not the co-operation that I would have expected after the co-operation the previous Government got from the Labor Party when in opposition in this Chamber.

The Hon. Sir Arthur Rymill: On everything that didn't matter.

The Hon. A. J. SHARD: I have had the ex-Premier in another place telling people outside that I was his best supporter in this Council when his Government was in difficulties. In seven divisions out of 10 the Labor Party carried the day for the previous Government.

The Hon. S. C. Bevan: Be careful! They will tell you that you are in the wrong Party.

The Hon. A. J. SHARD: I have been told that before. Sir Thomas Playford told me more than once that I was his best member here.

The Hon. C. R. Story: You are right, too!

The Hon. A. J. SHARD: We have not had co-operation and support from this place. All we have had is criticism at every turn we have made. Members opposite have made our path as difficult as possible. I have been called ''crook'' and accused of misappropriation of trust funds and mismanagement; I have been called ''inept'' and heaven knows what else. That is the co-operation and help that I have had.

The Hon. C. D. ROWE: Mr. President—

The PRESIDENT: Order! The Chief Secretary has the floor.

The Hon. C. D. ROWE: I want to take a point of order. Admittedly, I have been out of the Chamber for some period this year but I do not remember any honourable member in this Council using those adjectives about the Chief Secretary—certainly not in this Chamber and certainly not as far as I am concerned.

The Hon. A. J. SHARD: That is not true, because the honourable member behind me called me ''crook'' one day. I do not repeat things I have not heard here.

The Hon. M. B. Dawkins: I said it once.

The Hon. C. D. Rowe: What about the other adjectives?

The Hon. A. J. SHARD: Yes; they have been said too, whilst you were overseas.

The PRESIDENT: I ask honourable members to be moderate.

The Hon. A. J. SHARD: I am trying to be. To get co-operation and assistance in examining legislation is our right and prerogative, but don't try to tell the public outside that you are co-operating with and assisting the Government—because you aren't. The decision is yours. The public will view it that way.

The Council divided on the motion:

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

Noes (15).—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 (teller), F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Majority of 11 for the Noes.

Motion thus negatived.

The PRESIDENT: I have to announce that in accordance with Standing Order No. 341 the Bill must be laid aside.

STATUTES AMENDMENT (HOUSING IMPROVEMENT AND EXCESSIVE RENTS) ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments, without amendment.

PROHIBITION OF DISCRIMINATION BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments, without amendment.

ROWLAND FLAT WAR MEMORIAL HALL INCORPORATED BILL.

Returned from the House of Assembly without amendment.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

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

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That this Bill be now read a second time.

This short Bill alters the way in which the remuneration of the Chairman and the members of the trust is assessed. At present section 21 of the principal Act provides that the trust shall fix the annual remuneration for the Chairman and the members, provided that such remuneration does not exceed £300 annually for the Chairman and £100 annually for each member. In view of the amount of work involved this remuneration is inadequate, and the Bill provides that the Minister shall determine the maximum remuneration which the trust may pay to the Chairman and members annually.

Clause 3 deletes the passages "three hundred pounds" and "one hundred pounds" from section 21 of the principal Act, and in each case inserts the words "such amount as is approved by the Minister" in their stead. This, being a hybrid Bill, was referred to a Select Committee in another place. The committee recommended its passage.

The Hon. C. R. STORY (Midland): Although short, this Bill has far-reaching ramifications. The trust formed in 1893 as a result of the failure of banks in 1892 has done a remarkable job in establishing a large irrigation area in the Upper Murray area. The Chairman of this unique trust is called upon to do more than the Chairman of a district council: he acts as a representative of members of the trust, that is, the ratepayers. He is responsible to the board of the trust and, in the last few years, has had a most responsible position. The previous Government spent over $2,000,000 in the area for drainage, and the present Government is planning to invest over $1,000,000 for the rehabilitation of pumping and rising mains. In about 1922, £300 was fixed as the remuneration for the Chairman. That was a large sum in those days, but because of changing money values if we multiply this sum by four (and I am being generous) the equivalent would be $2,400, although the Chairman is grossly underpaid for the work he does. At one annual general meeting of this body, at which a large group of members of the trust were present, a unanimous vote was carried that the remuneration of the Chairman and members be doubled.

This was a big step for the ratepayers to take. I do not think they realized that they were doubling the 1922 figures. On comparative money rates, if the Chairman of the trust were to receive an amount equivalent to that fixed in 1922, he would receive about $4,800 a year. In the same way, the members would receive $1,600 a year. Parliament will not now determine the increases to be paid. The Minister of Lands will be the arbiter of what is a fair amount. The Chairman of the board has done a quite outstanding job over a long period of years. The work is onerous and, if this Bill is passed, the trust should ensure that the elected members of the board are suitably compensated. I support the second reading.

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

ABORIGINAL LANDS TRUST BILL.

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

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 8.45 p.m., at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, Sir Lyell McEwin, Sir Arthur Rymill and A. J. Shard.

Later, a message was received from the House of Assembly agreeing to the conference to be held in the Legislative Council conference room at 8.45 p.m.

At 9.10 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 12.10 p.m.

The recommendations were:

That the Legislative Council do not insist on its amendments Nos. 6, 7, and 8 and that the House of Assembly do not further insist on its disagreement thereto; that the Legislative Council amend new subclause (4) of its amendment No. 9 so as to read as follows:

> The Treasurer shall from time to time pay to the trust such amounts as may be appropriated by Parliament for the purpose of up to but not exceeding the amount of royalties paid to the Crown or a Minister of the Crown in any financial year in respect of any lease or licence granted or issued under the Mining Act, 1930-1962, or the Mining (Petroleum) Act, 1940-1963, in respect of any land vested in the trust.

and that the House of Assembly agree to amendment No. 9 as so amended; and that the Legislative Council make the following consequential amendments:

> Page 7, line 24 (clause 19), after "the" first occurring to insert "Treasurer and the".
>
> Page 7, line 24 (clause 19), to leave out "pays" and insert "pay".

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The managers of this Chamber met the managers of another place in a friendly manner, and in the frame of mind of being prepared to adopt a compromise to the satisfaction of both Houses. A proposition that was put forward by the managers of another place was discussed, and after an adjournment the managers of this Council reported back to the conference that they could not accept the proposition. The managers of this Council then put a proposition, and after our managers retired the managers from the other place discussed it, but it was not agreed to. Then the managers from another place put a further proposition to our managers. They considered it and added several words to make it clear that not in any financial year was it necessary for the Treasurer or Parliament to appropriate the maximum amount of the royalties proposed, should minerals be found. We added the words "up to", which made it clear that Parliament could pay any amount up to but not exceeding the total amount of the royalties in any one year. After further discussion the conference as a whole accepted that decision. I think that this was a satisfactory conclusion, and that it should meet the wishes (although possibly not wholly) of the Aborigines concerned and of the people who support them in this place. If it does not go all the way, I think it goes a long way towards our objective.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I support the motion. The Chief Secretary has outlined the proceedings in detail and I do not think I need enlarge upon them.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (REGISTRAR).

Adjourned debate on second reading.

(Continued from November 16. Page 3091.)

The Hon. Sir NORMAN JUDE (Southern): The necessity for this Bill was brought about and highlighted by a considerable number of complaints and protests arising in the main from our Victorian neighbours regarding the many loopholes in the form of registration of motor vehicles in this State. I do not think there is any doubt that a number of loopholes were being taken advantage of by the people who were not proceeding quite along the straight and narrow path. It was even more highlighted by the recent experiment by some person associated with the press, who proved that he could register a motor vehicle without even having one. The amendment was obviously desired by the department and the police and regarded by the Government as being necessary for the protection of the general public. Consequently, I have no hesitation whatever in supporting it.

The clauses are not very complicated, and I do not intend to go into them in detail. I have satisfied myself that they are drafted to suit the needs of the occasion. Specifically, they confer additional power on the Registrar to defer registration and to offer temporary permits for people who may be in some doubt about whether it is permissible for them to drive a motor vehicle. The Bill also deals not only with second-hand but also new vehicles. There were loopholes in transactions that could cause theft or loss to citizens that should not have been possible, or at least should have been improbable. The Bill gives additional powers to the police regarding inspection and search of vehicles and the presentation of the appropriate papers for registration.

I need say no more than that the Bill virtually tightens up obvious loopholes in the previous legislation with a view to assisting the police in the detection of offenders, particularly with regard to the registration of vehicles, either second-hand or new, coming from other States, or new vehicles that may have been stolen from other States, as has happened in the last week or 10 days when a number of new motor vehicles seem to have disappeared in transit between New South Wales and South Australia. I have no hesitation in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Limitation of time for bringing proceedings."

The Hon. C. R. STORY: This period of time seems to be longer than in most other Acts. It is normally six months. There was a suggestion at one stage that it should be two years. What is the reason for one year?

The Hon. S. C. BEVAN (Minister of Local Government): This originated from the Registrar, who has pointed out that on many occasions a period of six months has prevented action from being taken because of the effluxion of time. The necessary tracking down and tracing of a vehicle has not been completed through lack of time, so no action has been taken against an offender. Originally, the

period was two years, but one year was inserted in this Bill at the request of the Registrar to enable the tracking down of vehicles in time for action to be taken.

The Hon. F. J. POTTER: That explanation is interesting because it could apply to proceedings under any Bill. Apparently, the matter of the extension of time is being tackled piecemeal. Six months is provided for in the Justices Act as the period of time in which complaints must be brought for an offence. In the Motor Vehicles Act it is now to be one year. The Minister's explanation would apply equally to offences under the Road Traffic Act as under this Act. When the Long Service Leave Bill was before us a few weeks ago, the Minister moved for an extension to 12 months for offences under that Act. It is undesirable to have these varying periods of time. If the Government thinks that six months is too short a period, it should look at this question again rather than extend the time differently in isolated Acts, because it is confusing. An argument could be made out for one year in the case of the Road Traffic Act offences.

Clause passed.

Title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (TOW-TRUCKS).

Adjourned debate on second reading.

(Continued from November 16. Page 3089.)

The Hon. Sir NORMAN JUDE (Southern): This Bill has become a necessity in recent years because of the gross abuses by various tow-truck services in the metropolitan area, often at the expense of the reputable trader. As the Minister has said, this has become the source of innumerable complaints to various authorities, including the Government, the Royal Automobile Association and the Chamber of Commerce. The Bill sets out to remedy a recognized abuse and has my fullest support, but I suggest to the Minister that that is where the measure should stop. The abuse should be dealt with, and the abuse occurs only in the metropolitan area. It does not occur in the country. Therefore, I think I am not unreasonable in saying that the proposed amendments to limit the application of this Act to a defined area are of the greatest importance.

We set out to remove an abuse and we do not need to create a hardship to small businesses (some smaller than those in the metropolitan area). These people do not make their whole livelihood from tow-truck services. They also perform such services as the sale of fuels in the district. The Government has decided upon a radius of 20 miles from the General Post Office as being the approximate metropolitan area. I probably would find no fault with 30 miles if that had been fixed, because there will be anomalies in regard to whatever perimeter is decided upon. I am certain that this Bill will have the support of all honourable members because it sets out to remedy an obvious abuse.

However, that abuse does not exist in the country areas, where people operate tow-trucks as additional assets to their small businesses and are called on to use them once or twice a year. The most contentious part of the Bill is the objective of permitting no tow-trucks to operate as such on traders' plates. I think there could be argument if the Government had denied the use of red plates to all people operating tow trucks but black plates cost a considerable amount and, although it is a concession to the business of many people, they should be able to use those plates for whatever purpose they wish.

The user of the black plate pays about $17, plus third party and compulsory insurance each year, whereas the red plate user only carries a fee of $6 a year. I do not intend to argue the merits of red plates and black plates. Before one can obtain a red or limited trade plate, one must also be a subscriber for a black plate. If the proposed amendment is accepted and deletes the unnecessary portion referring to the remainder of the State, it may be necessary to deal also with the new section 83d (*g*), which deals with tow-trucks coming from outside areas into the defined area.

If the Government is prepared to concede that this is not a matter of the broad country areas outside, those people will still be entitled to use their trade plates and to come into the metropolitan area and compete against those who are compelled to pay a considerable registration fee. I shall support the amendment that will confine the area of operation to the defined area.

The Hon. C. R. STORY (Midland): I support the Bill. I do not think anyone is proud of the operation of tow trucks, particularly in the metropolitan area. One sees in today's newspaper that the position must be the same in other parts of Australia. It is a pity that we are dealing with this measure at such a late hour, because it needs much consideration. It breaks new ground, and honourable

members have given it as much consideration as they have been able to do since it has come before us. I hope that the amendments I have on file will be accepted.

The principal amendment is to clause 4 and is designed to confine the operations of the Act to an area of 20 miles from the General Post Office. The position regarding the remainder of the State will remain as it is at present. In doing this, I am not seeking something for country *versus* city, but the difficulty in the metropolitan area—

The Hon. C. M. Hill: Have you had any trouble in the big country towns, such as Mount Gambier?

The Hon. C. R. STORY: I am extremely fortunate, as I live in the dry part of the country. I do not know much about Mount Gambier. I do not travel much. In the country area there is a service provided by the local garages, but I do not think they make a fortune out of it.

The Hon. C. M. Hill: You do not know anything of these undesirable practices.

The Hon. C. R. STORY: It is a job to get a tow-truck. The only communication is by wireless; we do not have the other hook-up type. By and large, in the areas outside a radius of 20 miles of the G.P.O. the problem does not exist, and it seems that it is inflicting further restriction, and certainly more financial difficulty, upon the people in the outer areas if we leave the Bill as it is. Many of these small towns would use their tow-trucks only three or four times a month, but in the bigger towns they would be used perhaps two or three times a week. It is certainly not in the same category as the operations in the metropolitan area. There are many provisions in the Bill which would be better dealt with in Committee. These provide for the method of contract, prohibition against towing a vehicle unless the driver of the tow-truck has authority to sign, and contract authority to repair any damaged vehicle, which is an essential provision. I am not intending at this stage to cover the individual items.

I point out that I have been assured by the Parliamentary Draftsman that, contingent upon my motion, it will be necessary to remove paragraph (*g*) of section 83 (*d*). At the appropriate time I shall seek to have that deleted from the provisions. One could talk for hours on this subject. I do not intend to do this but only to get this Bill into Committee with the object of endeavouring to amend it and get something on the Statute Book. I have no doubt that this measure will be back in this Chamber before long for amendment, because this is another of the trial and error type of Bill. We do not know how this Bill will work in practice. We are prepared to put it on the Statute Book and give it an opportunity to work, and I am sure the Minister will get the support of honourable members if he brings acceptable amendments back to this Council before it rises some time today.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Prohibition against driving or operating a tow-truck bearing trader's plates."

The Hon. C. R. STORY: I move:

> After "road" in new section 69a to insert "within the area".

The object of the amendment which I have placed on honourable members' files is to restrict the operations of this Bill to the confines described in the Bill as "the area". This was originally the idea of one or two honourable members, but I find that there are people all over the State who think the same way. I have with me many telegrams that all seem to say something along the same lines. One states:

> All members of the motor trade known to me object strongly to the provisions on the use of trade plates when towing.

Another states:

> We wish to express the strongest possible objections to the provisions on the use of trade plates when towing.

The Hon. C. M. Hill: The wording seems to be the same.

The Hon. C. R. STORY: It is indicative of the interest in this matter and, as I have said, we have not had time to do anything about lobbying or anything like that. Section 68 states:

> A motor vehicle bearing limited trader's plates shall not be driven on a road unless the vehicle is at the time . . .

There is a number of exemptions. Subclause (*j*) of that section, which does not operate in this connection, states:

> proceeding to, returning from, or towing a motor vehicle which, while being driven upon a road, has become unable to proceed under its own power.

So that provision is removed, and a person cannot operate a towing vehicle on the limited trader's plates, which means he must be a black plate man, as set out in section 62 of the Act, which reads:

There shall be two kinds of trader's plates, namely general trader's plates and limited trader's plates.

The only way this provision can operate will be on the more expensive type of plates, but it will not operate on the limited trader's plates. So far as the rest of the State is concerned, it will operate in the same manner as at present.

The Hon. S. C. BEVAN (Minister of Roads): I appreciate the purport of the amendment. The other amendment on members' files is to confine the Act to the prescribed area, which is within a radius of 20 miles from the General Post Office. Any tow-truck vehicle outside that area would be exempted under the amendment. I appreciate that there has been some objection from the country in relation to this clause. I have a report which sets out the difficulties of the police in trying to trace the abuses of trader's plates. Such plates have been used and transferred from tow-truck to tow-truck.

The Hon. R. A. Geddes: Do you mean that this problem is also prevalent outside the area?

The Hon. S. C. BEVAN: Yes. The report states that the police have had considerable difficulty in tracing tow-trucks that have been concerned in the towing of damaged vehicles away from the scene of an accident, and that in many cases this difficulty has been caused by the use of tow-truck operators of trader's plates. Undoubtedly abuses would be more prevalent in the metropolitan area, but there have been cases where the same thing has occurred outside the present defined area. For those reasons I must oppose the amendment.

The Hon. C. D. ROWE: My policy regarding these matters is that I always support the Government when it is right. However, I am not able to do so on this matter. I have had quite a number of telegrams from different parts of my district regarding this issue. No-one argues about the abuses of tow-trucks in the metropolitan area, for they are manifest and known to everybody, and they are serious. However, I do not think those abuses occur in country areas. In fact, I think the contrary is the case, for quite frequently it is not possible to get a tow-truck in certain places when one is needed.

The effect of this Bill will mean that people will have to pay a registration fee for their tow-trucks which I would think would certainly be not less than $50 a year. Many small garages in the country which now have a vehicle fitted up to be operated as a tow-truck will say that it is not worth it from a business point of view to have to pay that amount purely to do an odd towing job, and therefore the difficulty of obtaining tow-trucks in the country will be accentuated. On that ground, I support the amendment.

The other ground is that I do not really think the abuses regarding using one trader's plate on somebody else's vehicle is prevalent in country areas. In the country, one garage is definitely in competition with another garage, and I do not think they would reciprocate in the unlawful practice of lending of trader's plates. I hope the Government will be prepared to consider this amendment. I do not think it will represent much for the Government in terms of revenue. I consider that the things that are going on, and about which we are all concerned, occur mostly within the metropolitan area, and I think we will remedy the defect if we limit it in that way.

The Hon. R. A. GEDDES: I have not received any telegrams at all. However, the report the Minister read did not refer to the problem in the country, and I am at a loss to see why the Government or the Minister should object to the amendment, which will certainly control the tow-truck problem within 20 miles of the G.P.O. Until I can be convinced that there are problems outside this area, I cannot see why the amendment is not acceptable to the Government. I support the amendment.

The Hon. M. B. DAWKINS: I, too, support the amendment. I endorse the suggestion made by previous speakers that while we are all aware of the abuses that have gone on in the metropolitan area it is true to say that these abuses do not, generally speaking, occur in the country. I think in general terms we all support the Bill. In the country, it is something of a favour to the district or a service to the community for a man to have a tow-truck, which he may not use much at all but which is at times necessary. As previous speakers have said, registration fees on a tow-truck would be considerable, and we could quite easily find ourselves in the position of not having tow-trucks in country areas.

I ask the Committee to reconsider this matter, because I believe that by passing the Bill covering the area as defined we will very largely cope with the problem that we have at present. I believe it is unfortunate that we have a Bill of this nature before us at this hour, because we really have not adequate time to give to it. I think this Bill may come back to us for amendment in the future. I

ask the Government to consider these amendments on the file.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Prohibition against driving or operating a tow-truck without authority issued by Registrar and powers of Registrar in connection with such authority."

The Hon. C. R. STORY: I now move:

In new section 74a (1) after "sections" to insert "69a,".

The purpose of the amendment is to couple it with the previous one.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8—"Prohibition against towing of any vehicle unless driver of tow-truck has authority to tow the same signed by the owner or driver, etc., of the vehicle."

The Hon. C. R. STORY: I move:

To strike out paragraph (*g*) of new section 83d.

I have discussed this with the Parliamentary Draftsman and it would appear that paragraph (*g*) duplicates paragraph (*h*), which was inserted as an amendment after the Bill was drafted. If I am correct in this, I believe that people who are outside the area should not be allowed to come into it without paying their just dues, because the people operating in the area have to pay a fairly substantial registration fee. If a person wants to operate within the area, he has to pay the ordinary registration fee as an operator who works in the area. Paragraph (*h*) provides that a tow-truck can come into the area with its ordinary freight for the purpose of picking up spare parts, provided the purpose is not in connection with lifting a vehicle.

The Hon. S. C. BEVAN: I oppose the amendment. The Committee should leave paragraph (*g*) in the Bill as there is a difference between that and pargraph (*h*). Their meanings are quite different. I draw attention to the first two lines of paragraph (*g*):

as preventing the driver of a tow-truck by means of such tow-truck . . .

Paragraph (*h*) says:

as preventing a driver of a tow-truck employed by a towing service whose place of business is outside . . .

That is the difference. These paragraphs do not mean the same. A driver can be an owner-driver under one paragraph, while under the other paragraph he is a driver employed by a towing service. I oppose this amendment. If one paragraph is redundant, the position can be remedied in the near future.

The Hon. Sir NORMAN JUDE: I agree there is that difference between paragraphs (*g*) and (*h*) but I point out that, as a result of the Hon. Mr. Story's amendment limiting the activities of this Bill to a defined area, it would be unreasonable for a person with a tow-truck with a trader's plate outside the area to come inside the area in competition with those who had to register their trucks. I understand that is the reason for the Hon. Mr. Story's amendment.

The Hon. C. R. STORY: Paragraphs (*g*) and (*h*) cannot both remain in the Bill. If they do, it will not be long before an amendment will be necessary. Paragraph (*h*) enables a vehicle to come into an area with black plates on it and to pick up goods, stores, spare parts, etc.

The Hon. L. R. HART: In terms of paragraph (*g*), the tow-truck operator can drive a damaged vehicle into the area for the purpose of repair, storage, etc., but, in accordance with paragraph (*h*), he cannot drive out of the area for any of those purposes. I do not understand the reason for that. A tow-truck operator on the fringe of the area could be called to an accident that occurred just within the area.

The Hon. G. J. GILFILLAN: Frequently damaged vehicles outside the area would have to be brought into the area for repair. If paragraph (*g*) is deleted, will any other provision enable this to be done? I am wondering whether the correct paragraph is to be deleted.

The Hon. C. R. STORY: We are giving a privilege to operators outside the area. In return, we must protect the people paying full registration. I would not like to see paragraph (*h*) go out. If it did, the towing vehicles used by many garages in the outer areas would be precluded from coming into the area to be used as ordinary trucks. I do not think the two paragraphs are compatible. Whether or not this amendment is accepted, honourable members will have an opportunity in February, after the Act has been operating for a time, to review the position.

Amendment carried: clause as amended passed.

Clause 9 and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 and 2 and disagreed to amendment No. 3.

Consideration in Committee.

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That amendment No. 3 be not insisted upon.

I raised doubts about the advisability of taking that paragraph out. It is desirable to leave it in the Bill so that its effect can be seen. If any anomalies arise, it will not be difficult to correct them. The remainder of the Bill is important and I ask the Committee not to insist on the amendment.

The Hon. C. R. STORY: There has been conjecture about paragraphs (*g*) and (*h*). I do not want to jeopardize the Bill. Trial and error will show whether the paragraphs work and, when Parliament meets in February, the Minister will be able to make any necessary adjustments. I support the Minister in his request that the amendment be not insisted upon.

Motion carried.

POTATO MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 3112.)

The Hon. C. R. STORY (Midland): I have had some experience of potato marketing. Similar Bills have been before the Council on a number of occasions. About three years ago one of them was very keenly debated. I realized at that time that further amendments to the Act would be required. The history of the Potato Board has not been a happy one. It was set up when war-time restrictions applied. The people became used to restrictions on many things, and so the board was established, and I think it was done with the general blessing of the industry.

However, things did not happen with the board as they had during the Second World War. Certain areas were allowed to have certain plantings. Although the growers had to register, there was no restriction on the areas planted. The area has fluctuated from year to year, depending on the price. The producers add much to the chaos in the industry by channelling potatoes from this State to other States when prices are high, and there is no way the board can stop it. The board brings in potatoes from other States from time to time, and this has a depressing effect upon the market.

Clause 3, which deals with the control of the sale, delivery and price of potatoes, seems to be satisfactory. Clause 4 is related to the use of decimal currency.

I should like to wholeheartedly support this measure, but I am not absolutely convinced that it provides the correct approach. I shall listen to the debate to get a better appreciation of what the Bill does and what will be its effect on the potato industry, but I support the second reading.

The Hon. H. K. KEMP (Southern): This is another of those unfortunate Bills on the marketing of agricultural produce that come forward as the result of necessity. It is not only necessary for the board to have power to acquire potatoes from growers, but to catch up with them later when potatoes are in the hands of retailers who have bought them illegally. I think this measure is not going to put a grower to any great hardship. It is typical of the sort of lame, halt and blind progress by this board from the time of its inception. Most growers are undoubtedly grateful for the stabilization the board has brought to their existence, but it is a very small degree of stabilization.

This last year has been reasonable, but there have been years during the board's operation when the grower has not been able to make a living at all. However, I think support must go to this Bill, and I have no hesitation in recommending it to the Council to be backed thoroughly. The trouble is that through the working of the board there are mis-statements, misunderstandings, and almost impossible personality clashes, which are very hard to put up with. I am sure that both Parliaments have done everything possible to make it, within reason, workable for these people to regulate their own affairs.

Actually, I think the board's record over the last 12 months has been admirable, and this is the first period in which it had an opportunity to show its capabilities under the reorganization that was made possible in the legislation passed, I think, two years ago. I think that when potato growers know certain figures they will appreciate just what is the value they are obtaining from the working of this board, although there is still the necessity for legislation such as this.

Under the present working of the board, each month the potatoes that come in are pooled and their realization goes back to the growers, with the deductions that are due to the board, the merchants and those who handle them. Last September's pool—the potatoes sold between September 1 and September 30—was actually finalized on the last Friday of October, and the final payments were made in the first week of November. This, I think, is a sign

of efficient working, because those potatoes had to come into the board to be sold, the realization money taken in and recorded, and all the rest of it. In that period growers who delivered potatoes to the board received as a first advance $25 a ton, and that was paid to them usually within a week or 10 days, at the most a fortnight, of the potatoes being delivered.

In that first payment, adjustment is made for all the quality defects, and the differences in grade when potatoes are sent forward to market from the paddocks. The final payment, which was made, I think, on about November 8 or 9, was $32, which meant that our growers in South Australia had a realization overall of $57 a ton.

That final payment was a standard payment which everybody who delivered potatoes to the board received, irrespective of his original adjustment of quality. This compares with the Victorian average price for the same period of $43.50 a ton, so there is an advantage of about $14 to our growers. I think that is a fairly typical trading month. I am sure that through the working of the board here, with all its quarrels and defects, growers are getting a fairly good spin.

There has been much criticism about the records and the finance of the board itself. I think here again we have a reasonable record that should be put before growers. In the year ended June 30, 1966, the trading of the board resulted in a surplus of $50,000. These surpluses arose in the course of daily business.

Generally, when there is a payment with a few odd cents and small margins left, the board, to be safe, retains in its funds the odd margins. That $50,000 surplus is being used; $20,000 of it will be returned to growers as a bonus on all the deliveries during the year 1965-66 at the rate of 50c a ton; $10,000 is wisely being paid into reserve, and the remaining $20,000 odd is being put into a trust fund to sustain future trading of the board, which is always likely to end up with small margins of loss instead of small margins of profit. The board must have some funds to back its working. I think that is a fairly admirable record. It it is sustained (and I believe this Bill will enable it to be sustained) the record should go forward.

Criticism was made in another place the other day that the board's records were not subject to audit. However, I am informed today that that is not so. A reputable firm of accountants audits the records of the Potato Board regularly, and those accounts are presented to growers regularly also. The criticism that has arisen in this regard is mainly based on ignorance, and I think that must be accepted by the industry. If growers took the trouble to find out the position, they would realize that matters were fairly well under control today, with the board running much more of its own business. We all look forward to the day when it also does its own distribution.

We still have trouble arising continually from the fact that the board has appointed the Potato Distribution Centre as its agent in many matters. This is a matter that we hope will be eventually cleared up but at the moment it remains a running sore in the industry.

What concerns every potato grower and everybody who is responsible to potato growers in South Australia is the fact that the existence of the board with all the advantages I have detailed is in jeopardy, that some time in January or possibly a little later the question of its existence will be referred to a poll of growers, which will determine whether or not the board will continue. I am sure that the petition causing this poll arose from incidents in no way associated with the working of the board itself.

There was a protest against savage inspection under the Fruit and Vegetables Grading Act, which has nothing to do with the board. If growers will only take cognizance of the advantages they are getting and which they have obtained in the last 12 months (the period given to the board in which to function properly), they should realize that, if and when this last difficulty facing the potato industry (of the board not carrying out all its functions itself) is overcome, more advantages still will accrue.

The poll is a matter of grave anxiety because, just as there would be a serious loss if we lost the organized marketing in egg, wheat and barley production, there would be an equally serious loss to the producers if we lost the organization represented by the board. I strongly support the Bill.

The Hon. L. R. HART (Midland): I support the Bill, which confers further powers on the board. If the conferring of these powers makes the board more functional, we should agree to it. There has been considerable criticism of the Potato Board over recent years. Whether or not that criticism is justified is hard to determine, but the potato grower has been the victim of periods of overproduction with the difficulty of disposing of potatoes, and periods of shortage when he has received a

high price, admittedly, but the consumer has suffered.

Whether periods of overproduction have been contributed to by the board is a matter of some concern to the potato growers. The people associated with the marketing of potatoes have been criticized for, in some degree, contributing to the surplus of potatoes by importing them from other States at times when our own growers have been advised not to market their potatoes or dig them. This criticism has brought the Potato Board into disrepute. However, this legislation should be accepted by this Council, and I am prepared to support it.

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

COTTAGE FLATS BILL.

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

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

That the amendment be not insisted upon.

The amendment moved by this Chamber yesterday is, in effect, that of the $50,000 each year for the next five years 25 per cent should be spent in the country areas of South Australia. Another place has rejected the amendment for the very reasons that I spoke of yesterday—because it imposes unnecessary restrictive qualifications. The only additional comment I make to what I said yesterday is that I shall read the following documents that I have just had handed to me:

The reported amendment from the Council making it mandatory that one-quarter of the appropriated funds shall be expended each year in the country is neither practicable nor desirable, at least in its present form. Relatively the country has been well-served in this matter as $1,000,000 has already been expended on special rental dwellings for needy people in the country, and each year the revenues from the special fund permit further provision. The substantial requirement is in the metropolitan area, including Salisbury and Elizabeth. Mr. Ramsay would advise letting the Bill lapse temporarily if the Council insists on its amendment. He anticipates that the country can be further helped in the future if, as is proposed, the Commonwealth permits local authorities to participate in the two for one subsidy for aged folks' homes.

The Committee should remember that the Housing Trust has operated for many years. I have had dealings with it for about 25 years and have never had to complain about its administration or tactics. I do not know that either Party has ever had any serious complaint against the trust: on the contrary, honourable members have justifiably expounded the virtues and great ability of the trust. It does its best in the interest of all the people. Parliament has never laid down such a direction as has been suggested in this case. After discussion with the Minister in charge of housing, the Treasury, and Housing Trust officials, I am convinced that the amendment should not be made.

The trust should be allowed to decide where the houses should be built. The Bill does not prevent the trust from building some houses in the country districts if it considers that such is necessary. I am not playing politics in this matter. I ask that the trust be permitted to go on with the job without being tied to a percentage.

The Hon. C. R. STORY: The Bill does not provide that any of this money is to be spent in the country. There are as many necessitous people in the country as there are in the metropolitan area. At every meeting of the Local Government Association that I attend in the Midland District there are requests for more houses, particularly rental houses in the cheaper brackets. I cannot understand why honourable members will turn down this proposal and have the effrontery to say at those meetings that the Government is doing the best it can for the country areas. The Parliamentary representatives of the people of Mount Gambier, Chaffey, Wallaroo and Frome ought to do something practical about getting more houses provided to meet the requests of the people.

I sincerely hope that the matter of housing is raised again in my presence at these meetings, because we are endeavouring to give country areas a fair proportion of the housing, although it is a small proportion when compared with expenditure in the metropolitan area. I understand the Chief Secretary to say that much of this money would be spent in the Salisbury and Elizabeth areas, which are now in the metropolitan area. I wondered whether that was a practical statement, although I am not questioning the Chief Secretary.

The Hon. A. J. Shard: The trust said, "If you regard Salisbury and Elizabeth as being in the metropolitan area".

The Hon. C. R. STORY: Surely someone knows where the metropolitan area starts and finishes. My district runs to the Metropolitan Abattoirs. The House of Assembly District of Gouger, which is a country district, takes in Para Hills. The member for Gawler, who is

supposed to be a country member and who gets benefits and privileges as such, represents Elizabeth and portion of Salisbury.

The Hon. C. M. Hill: The Commonwealth Statistician says they are now in the metropolitan area.

The Hon. C. R. STORY: He has taken those places in, and Adelaide is now the third largest city in Australia. I shall try to improve this clause and see whether I can get honourable members to accept it. I suggest that it be amended so that the Housing Trust will spend up to 25 per cent of the money for cottage flats in the country. I think that will make members of the House of Assembly realize that we are not rejecting their proposal out of hand and that honourable members here are prepared to compromise.

The Hon. H. K. KEMP: I strongly support the remarks of the previous speaker. In this Chamber on several occasions I have had to draw attention to the very poor position in which some of our nearer country electorates have been placed through the financial stringency which has unfortunately been faced by the Housing Trust recently. The Murray areas direly need some of this accommodation. It can be left to the trust to use the common sense and discretion it has exhibited over the years. The trust has an admirable record in sorting out problems equitably. Honourable members must bring to the attention of the Government that it is completely letting down the urban populations in the areas outside of Adelaide.

These urban populations are as urban as if they were at Hindmarsh or Thebarton, but if they are at Mannum, Murray Bridge, Port Pirie, or anywhere in the country districts, it puts them in the category of being completely neglected when it comes to the provision of amenities which I am sure they deserve as much as people living within 10 miles of the sound of the city clock.

The Hon. R. C. DeGARIS: I express my disappointment at the rejection in another place of the amendment introduced by the Hon. Mr. Story. I think that, during the second reading debate, it was agreed that the demand for cottage homes and flats was approximately in the proportion of 75 per cent in the metropolitan area and 25 per cent in the country. The payment of $50,000 from the fund is for a five-year period.

I do not think I would have the same interest in Mr. Story's amendment if this payment was for a shorter period. Five years is a long time for this payment to be made. I ask the Government to reconsider this matter. The amendment originally introduced by Mr. Story stated that 25 per cent had to be spent in country areas.

The intimation from Mr. Story that he intends to alter the amendment will give some latitude to the Government. It is difficult in practice to spend exactly 25 per cent of funds on a particular project.

The Hon. M. B. DAWKINS: I, too, support the Hon. Mr. Story's amendment. As I said at an earlier stage, I have had occasion to go to local government meetings and have met the same demand for this type of housing in the District of Midland as Mr. Story has. I have had people ring me from Loxton and Waikerie, in particular, needing this type of accommodation for people who have not the money to retire in a home of their own—people who, if not in necessitous circumstances, have limited incomes. I consider that the possible inclusion of the words "up to" gives the amendment some flexibility.

I believe the Chief Secretary has said that the amendment was too exact and did not allow for any latitude, but I believe that the suggestion Mr. Story has now made does give the necessary flexibility to the amendment. As the Hon. Mr. DeGaris has just said, the percentages are approximately 25 per cent country and 75 per cent metropolitan area, and I ask the Government to give this amendment reconsideration.

The Hon. L. R. HART: I rise to support my Midland colleague, the Hon. Mr. Story. Like other speakers, I know of the need for this type of housing in country areas. The Government, when it was in Opposition, was very vocal on the question of decentralization. This amendment constitutes a practical way in which the Government could assist decentralization. People cannot be decentralized unless they are housed. When people have come to the end of their useful working days, they are entitled to be adequately housed. During this period of their lives they are often in necessitous circumstances. They may be people who have not owned a house before but have shifted from job to job in the country and desire to continue to live there. I believe the Government has an obligation to see that housing is provided for them.

If these people are going to be driven into the city because housing is not available to them in the country, we are only going to house the same number of people except that we are going to house them in the city instead of the country. We will force those people to

the city if the Government is not prepared to provide this class of housing for them in country areas.

Many country towns are possibly decaying because of the lack of population and trade caused by people leaving towns because of the lack of accommodation. Some of these people, although they are in necessitous circumstances and probably in the later period of their lives, still provide a useful work force in country areas, and many country areas need this work force. I believe the Government is not justified in denying this class of housing to country people. We are asking only that a reasonable proportion of this money be allotted to country areas.

As stated by other members, we are interested to know what is the definition of "metropolitan area". Just where does the metropolitan area finish? There seems to be a different definition in practically every Act that comes before us, for we have one definition under the Electoral Act, another under the Health Act, and another under the Early Closing Act. It appears that we have another definition when it comes to housing. We must get to a stage where we settle once and for all what constitutes the metropolitan area.

The Hon. C. M. Hill: It must include Elizabeth.

The Hon. L. R. HART: I should be interested to hear what the Minister says about this.

The Hon. A. F. Kneebone: It is not in the metropolitan area at present.

The Hon. A. J. Shard: According to the last quarterly report of the Housing Trust, it appears that the trust regards the Salisbury-Elizabeth area as being in the country.

The Hon. L. R. HART: It is a grown-up country area, and it must be what we would term a metropolitan country area. However, if the Government believes that by building these houses at Elizabeth it is building them in the country, I do not know that it is contributing anything to the country. No doubt there are people in Elizabeth and nearby areas who are in necessitous circumstances. These could well be the parents of people who have migrated here and who after a period have brought their parents to this country. These older people could be in necessitous circumstances and require this class of housing. If Elizabeth is in a country area, I think housing should be provided for such people in that locality. However, I suggest to the Committee that the Hon. Mr. Story's amendment has much merit and that we support it.

The Hon. Sir LYELL McEWIN: I can appreciate the problem, as pointed out by the Minister, that the 75-25 ratio was too rigid, for it could be embarrassing trying to divide the money into exact amounts. I rise primarily because we have heard this case presented as applying only to the Midland District. We are told that Elizabeth is in a country area. However, why should places like Whyalla, Port Pirie and Peterborough not have some rights? I can understand that the Government does not want to be limited to 75 per cent. I think the amendment is a good one, for it provides some elasticity and not the rigidity that the Minister complained about.

The Hon. G. J. GILFILLAN: I support the attitude of the Council. I believe that this is a sensible amendment to a Bill that is designed to help needy people on low incomes. I must say in all fairness to the Housing Trust that this has been recognized from time to time in the building of low-rental houses in various country towns. Of course, the emphasis does appear to be on the more populous areas, particularly adjacent to the metropolitan area.

These people on low incomes are often widows with young families, sometimes elderly people on a pension who have grown up in country districts and who have most of their friends and contacts there, and, in the case of widows, who have worked in these country towns. There is a real need to supply these houses in country areas, and in the cutting up of the cake it appears to me that 25 per cent is not unreasonable when we think of the area of the State and the distribution of population. For that reason, believing that this is a fair proposal and also because I find it difficult to understand the objections of another place to what I would think to most people would be a reasonable suggestion, I support the Council's stand in this matter.

The Hon C. D. ROWE: Earlier in this debate I did not take much interest in this matter but, as it has progressed, I have got older and realize that I am closer to the time when this matter may be of some help to me. I hope it is resolved before that time arrives! When I retire, I want to live in the country. I hope the Government considers these amendments.

The Hon. R. A. GEDDES: The Hon. Mr. Hill said that $50,000 was the sum allocated for this purpose. If each flat cost $4,000 there would not be much money available, anyway.

There is a crying need for this type of home for people who deserve them. I appreciate there could be a year when all the available money went to the country and another year when it went to the metropolitan area. I support the amendment.

The Hon. C. R. STORY: I have looked at this matter closely and am of exactly the same mind as I was when this Bill came back from another place. I think I have been successful in making some points, and the Government probably appreciates the views of the country members. Nowhere in this Bill is the country mentioned or is the country likely to benefit as a result of five years at $50,000 a year. On the contrary, I have evidence to prove that the money is most likely to be spent in the metropolitan area, as I was told by the Chief Secretary when I was discussing this matter with him two days ago. The information from him is authentic. Some of the money ought to be spent in country areas. I could have this Bill sent back to another place with new amendments in it to further draw the Government's attention to the fact that I am sincere in this matter, as are all my colleagues.

I cannot understand the attitude of members in either place in not supporting this amendment. I can only believe they are tied to Party lines, which is a bad thing. We have ample evidence that the need is as great in the country areas as it is in the metropolitan area, the only difference being that it is on a bigger scale in the metropolitan area because it has more people. We generously limited the apportionment of the money to one-quarter for the country. I shall not insist upon the amendments but I want an undertaking from the Chief Secretary that the Government will see that wherever the need is greatest the money will be spent.

The Hon. A. J. Shard: Wherever the need is greatest?

The Hon. C. R. STORY: Yes. I want a definite assurance that this practice will be followed. Now that we have a Minister of Housing, he can give a certain direction along these lines. If I can get that assurance that this will be done (and I, for one, will be policing it personally to see that we get our share from time to time) I will then not insist upon this amendment.

The Hon. A. J. SHARD: I am the last person in the world to doubt the sincerity of the country members in this place on this question of the need of housing in country areas. I get about and have seen things. I say, without fear of contradiction, that in some country towns there is a need for what the honourable member has suggested. On the other hand, he asked me to give an assurance on behalf of the Government that this money would be spent in places where the need was greatest. I have enough faith in the Housing Trust to believe that the money will be spent on flats where they are most urgently needed. I have no doubt about the Housing Trust. I think I can get the support of Cabinet, but I cannot go all the way with it. However, I will do my best. I am prepared to discuss this matter with the Minister of Housing and Cabinet. I do not doubt that, if we were to telephone Mr. Ramsay of the Housing Trust tomorrow, he would answer, "We do just exactly that, where the need is greatest." If the need of any country town is greater than that of the metropolitan area, I think it will be attended to.

Motion carried.

MENTAL HEALTH ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

HEALTH ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

HOSPITALS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

ADJOURNMENT.

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

That the Council at its rising do adjourn until Tuesday, February 28, 1967, at 2.15 p.m.

The Hon. A. J. SHARD: Although I do not intend to make a very long speech, I feel I would be lacking in appreciation if I did not say that during the sittings of Parliament this year many people have assisted me and all other members in this Chamber. I take this opportunity of expressing my thanks, on behalf of my colleagues and all members, to *Hansard* and to all the other staff in the building who have helped us. I should like to mention particularly the Government Printing Office, which has done an extraordinarily good job in keeping *Hansard*, Bills and other papers up to us. I wish the very best to one and all, from the top to the bottom, who have been connected with Parliament in the last 12 months.

I trust that everybody will come back here at the end of February feeling fit and well and ready to continue with the job. I hope that all members and staff and their families have a very bright and happy Christmas. In conclusion, I express the hope that everybody will enjoy what is probably the most precious thing of all, namely, good health. I suggest that we now wait for a message that has to come from the House of Assembly.

The PRESIDENT: I accept the Chief Secretary's suggestion. I take this opportunity on behalf of myself and members of expressing our very sincere thanks to the Clerks and to the staff generally. I particularly would like to express thanks to the Clerks for the work they have done so magnificently and for the courtesy they have shown throughout the session. I also thank the Legislative Council typiste, who has very efficiently carried out the work allotted to her. In conclusion, I wish everyone a happy Christmas and a bright and prosperous new year.

Motion carried.

At 3.45 a.m. on Friday, November 18, the Council adjourned until Tuesday, February 28, 1967, at 2.15 p.m.