LEGISLATIVE COUNCIL

Tuesday, March 21, 1967.

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

SITTINGS AND BUSINESS.

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

Leave granted.

The Hon. R. C. DeGARIS: In view of the very full Notice Paper before us and the technical nature of much of the legislation that has been introduced recently, I state that members of my Party are prepared to sit after Easter to consider this legislation. I appreciate the statement made by the Chief Secretary last week. However, since then several new Bills have been placed before the Council. Can the Chief Secretary say whether the Government will consider extending the session until the week after Easter, if necessary, to allow the Council to give mature consideration to legislation now before it?

The Hon. A. J. SHARD: Notice has been given that Parliament is to be prorogued after the sitting tomorrow and the Government has fully considered the matter. The Notice Paper is no different from what it has been at this stage of previous sessions since I have been in the Council. I think that, with co-operation, we shall be able to deal with all the matters before us. I do not want to deny to any honourable member the right to speak on legislation, and we shall see how we get on. However, I do not think there will be any difficulty about handling the legislation on the Notice Paper.

KIMBA WATER SUPPLY.

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: The people of Kimba are satisfied that the Engineering and Water Supply Department will make a start on schedule with the Polda to Kimba pipeline project. They have been of the opinion that the pumping stations involved on this line would be powered by the Electricity Trust. However, trust officials have told the Kimba, Cleve and Cowell councils that they have had no request about providing power for these pumping plants and that they could not possibly bring power economically to any of these districts without first having a contract to supply power for the pumping stations. Will the Minister ascertain from his colleague whether any approach has been made to the trust to make power available for this purpose?

The Hon. A. F. KNEEBONE: I am not able to answer this question myself. However, I will confer with my colleague, the Minister of Works, and bring down a report for the honourable member as soon as it is available.

PORT WAKEFIELD ROAD.

The Hon. M. B. DAWKINS: Has the Minister of Roads a reply to my question of last week about the Port Wakefield Road and the duplication thereof as far as the Salisbury highway turn-off?

The Hon. S. C. BEVAN: Preliminary designs to provide for the duplication of the Port Wakefield Road between Cavan and the Salisbury turn-off have been completed. These designs are currently being re-examined in the light of progress results obtained from the Metropolitan Adelaide Transportation Study. It is expected that the plans can be finalized following the completion of the study. This adopted procedure will result in some delays. It is considered, however, that this is justified in view of two major structures involved (Cavan railway overpass and duplication of Dry Creek railway overpass) in order to obtain maximum ultimate benefits for motorists and therefore for the community in general. It is expected that construction can commence during the financial year 1968-69.

GAS.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Minister of Mines.

Leave granted.

The Hon. R. A. GEDDES: I have been reliably informed that if the Gidgealpa gas pipeline comes down on the eastern side of the Flinders Ranges the carbon dioxide at present in the gas at the well-head will be taken out and dissipated into the atmosphere, but that if the route were on the western side of the ranges this carbon dioxide could be removed from the gas at Port Augusta and the product possibly sold to Imperial Chemical Industries in the Port Adelaide area. Can the Minister say whether this matter has been considered and, if it has, whether the information will be used in the costing of a pipeline on the western route?

The Hon. S. C. BEVAN: The answer to the question is obvious: this is the responsibility of the producing companies and has nothing to do with the pipeline authority or the Government. The contracts with the companies stipulate that they put clean gas in the pipeline, which means that all the impurities will be removed. Just where that will be done is a question for the companies themselves to determine and is not a matter for the pipeline authority or the Government.

MAITLAND AREA SCHOOL.

The Hon. C. D. ROWE: Last week I directed a question to the Minister representing the Minister of Education asking whether it was possible yet to fix a date for the opening of the new Maitland Area School. Has the Minister a reply?

The Hon. A. F. KNEEBONE: No, but in view of the fact that this is the second question the honourable member has asked on this matter I will obtain a report from my colleague as soon as possible.

HOUSING FINANCE.

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question concerning the waiting time of applicants for loans from the State Bank?

The Hon. A. J. SHARD: The answer is that the period between lodging applications to the State Bank and the granting of loans has for some time remained stable at about 18 months.

HOSPITAL CHARGES.

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

Leave granted.

The Hon. L. R. HART: In last Friday's press there was an announcement by the Chief Secretary that charges in Government hospitals would be increased in South Australia. The increases were in three categories: $1.50 in public wards, $3.50 in intermediate wards, and $4.50 for private rooms. I understand that these charges are now equal to the highest charges made in other States. Recently, the Chief Secretary said it was not the intention of the Government to increase hospital charges. Can he say how he reconciles the present decision with the previous statement?

The Hon. A. J. SHARD: It is one of the easiest questions in my life to answer. It was not the intention or wish of the Government to increase hospital charges, but we were forced into the position and just had to do it. The Treasurer went to a special Loan Council meeting to ask for a greater share of the pudding from the Commonwealth Government, but that Government said definitely that the State could not and would not get a greater share of Commonwealth money. So we had to do one of two things: increase either charges or taxation to make ends meet. That was put to us quite plainly. No matter how undesirable it was, we had no alternative since the Hospitals Department was considerably down on its estimates because of various increased costs.

It is not for me to decide, because I am not the Treasurer, but because of the deficit with which it was faced the Government had to do one of two things. It was faced with either increasing our deficit or increasing our hospital charges so that the Hospitals Department could endeavour to make ends meet. We took what we thought was the better course of action. Our hospital fees are still lower than those of most other States, on any scale we look at. I have been Chief Secretary now for about two years and know that the Hospitals Department is most fair to and considerate of any member of the public unfortunate enough to be ill. We have not had one complaint from any member of Parliament about hospital charges since I have been in office. We have had one or two inquiries, which have been satisfactorily disposed of. Pensioners will continue to be treated free of cost and any people to whom these increased charges may cause undue hardship will be favourably considered. That was the statement I made on the last occasion when the new charges took effect. The fact that we have had no complaints speaks well for the officers of the Hospitals Department. I think the vast majority of people will not be affected by the increases, because they have insurances in the form of hospital benefits with one society or another, which cover most hospital charges.

The Hon. L. R. HART: In view of the Chief Secretary's answer to my question, can he say whether the Government has considered increasing university fees also?

The Hon. A. J. SHARD: No.

LYELL McEWIN HOSPITAL.

The Hon. C. R. STORY: I ask leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. R. STORY: I have raised this matter before, but fairly recently a deputation waited upon the Chief Secretary with regard to the financial structure of the Lyell McEwin

Hospital at Elizabeth. In the last report from the Chief Secretary he said he was still considering the matter, but the time is approaching when councils will have to prepare their budgets, as do Governments at this time. Has the Chief Secretary a reply to the deputation that waited upon him?

The Hon. A. J. SHARD: No. Following the honourable member's question I immediately asked the Auditor-General's Department to examine thoroughly the running of the Lyell McEwin Hospital and submit a report. These things are not done in a few minutes; they represent a big job and I have not yet received the report. I acknowledge the point that councils must prepare their budgets for the next financial year but we are three months away from that. I hope that some decision will be reached shortly so that the matter can be further discussed with the Board of Management of the Lyell McEwin Hospital.

COCKBURN TO PORT PIRIE RAILWAY.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. R. A. GEDDES: The landholders in the Caltowie-Gladstone area are concerned about the absence of reliable information on the actual route of the new railway line from Cockburn to Port Pirie because fallowing and seeding operations will start in this area as soon as the opening rains occur. It is possible that the landholders will sow crops unintentionally on the actual route of the railway line. Will the Minister of Transport see that those landholders are advised of the route as soon as possible?

The Hon. A. F. KNEEBONE: Yes. If I cannot obtain a reply before the Council prorogues, I shall communicate with the honourable member.

ALICE SPRINGS ROAD.

The Hon. A. M. WHYTE: Has the Minister of Roads an answer to the question I asked on March 14 regarding an all-weather road from Kingoonya to Alice Springs?

The Hon. S. C. BEVAN: The road from Port Augusta to Alice Springs, which was recently damaged by heavy rains occurring in the north of the State and the Northern Territory, will be restored to its original condition as soon as the ground has dried out and an assessment can be made of the damage. Unless Commonwealth aid can be obtained, this State can only carry on with maintaining the surface in a reasonable condition. State funds would not permit construction of an all-weather road. In any case, the effect of the proposal to re-locate the Alice Springs railway from Tarcoola or Kingoonya to Alice Springs will have a considerable bearing on the final location of the road.

GILES POINT.

The Hon. C. R. STORY: On March 9 I asked the Minister representing the Minister of Marine the following question:

A recent report in the *News* said that alterations were to be made to the proposed deep sea port at Giles Point, and that some delay would be occasioned because of the alterations. Can the Minister give details of the proposed alterations to the scheme, and can he indicate the delay that may occur as a result?

Has the Minister a reply to that question?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Marine, has informed me that the principal alterations to the approved scheme are:

1. Cost increase of $534,000 over the original estimate.
2. Five-boom loading instead of single spout loading.
3. Re-orientation of berth.
4. Provision for increase in loading rate from 400 to 800 tons an hour and provision to deepen berth from 32ft. L.W. to 38ft. L.W. should the need arise.

In view of the extent of the modifications to the original scheme, Cabinet has referred the amended project to the Public Works Committee for inquiry and report. It is considered that the modifications will cause only a minimum of delay to the project—in fact, the second modification listed above will save at least four months in design time, as it will enable the Port Pirie bulk loading plant design to be utilized.

BUILDING INDUSTRY.

The Hon. L. R. HART: On March 9 I asked the Chief Secretary representing the Minister of Housing a question relating to the number of houses erected by the Housing Trust that had been completed and occupied as at the end of February, 1967. Has he a reply?

The Hon. A. J. SHARD: It is true that 2,189 houses were completed to the end of February, 1967. Excluding vacancies, actually 2,314 families have moved into trust accommodation since the beginning of this financial year because there is always some carry-over from the previous year.

SURVEY CO-ORDINATION.

The Hon. C. M. HILL: Has the Minister of Local Government a reply to my question of March 14 regarding the co-ordination of surveys?

The Hon. S. C. BEVAN: My colleague, the Minister of Lands, reports that investigations have been current for some time, but that proposals have not yet reached a stage where the Institution of Surveyors could be fruitfully consulted. However, my colleague gives an assurance that at the appropriate time the institution will be given the opportunity for consultations and expressions of opinion on any proposals which may come before him. The President of the Institution of Surveyors was advised in these terms on February 15, 1967.

STURT RIVER IMPROVEMENTS.

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Sturt River Improvements.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

In Committee.

(Continued from March 16. Page 3761.)

Clause 9—"Speed limit for motor buses and trailers"—which the Hon. Sir Norman Jude had moved to amend by inserting the following new subclause:

(1a) It shall be a defence to a charge of an offence under subsection (1) of this section if the defendant satisfies the court that the speed at which the vehicle was driven was not dangerous having regard to all the relevant circumstances.

The Hon. S. C. BEVAN (Minister of Roads): I do not object to the amendment, as such, because it is in the principal Act at the moment. However, it is an escape clause and merely makes it more difficult as far as the authorities are concerned. I am concerned about the speed of buses because the amendment would apply to all buses carrying more than eight passengers. That would include school buses, and I think every honourable member should be concerned with the speed of such buses, especially when children travel in them.

Some time ago an accident occurred on the Waterloo Corner road between a school bus and a motor car but fortunately no children were travelling in the bus at the time. Imagine what would have happened if the bus had been full of schoolchildren! Such a thing is possible, yet this amendment would place the onus on the authority to prove that the person driving the vehicle was driving dangerously or that he did not have full control. The police authorities have had extreme difficulty in trying to prosecute successfully under the present escape clause. We are dealing with heavy vehicles, and the lives of people are at stake.

The drivers of passenger buses are permanent employees of the companies and are qualified men who hold the necessary licence. However, any person who holds an A class licence in this State can drive a charter bus taking people out for a picnic. I hate to think what some of us would be like behind the wheel of such a charter bus, despite the experience we have had in driving a car or a commercial vehicle. These difficulties are there, and it is no good complaining after an accident happens.

The other States have taken action and the code provides a 50-mile-an-hour speed limit for all buses. Confusion could arise if our provisions were different from those in other States. I hope that the Committee will consider the amendment seriously and that the restriction here will be the same as the restriction in other States, namely, 50 miles an hour.

The Hon. Sir NORMAN JUDE: I am pleased that the Minister has considered this matter since progress was reported, because his attention has been drawn to the point I made about school buses when I spoke in the second reading debate. Although the amendment refers to passenger buses, the matter of virtually unqualified drivers driving school buses should be examined.

The drivers of registered buses are tested and qualified, in relation to both ability and health. Surely it would be within the ability of the Draftsman to draft a provision dealing with school buses. If the Minister wishes to exclude such buses, I shall give him my keenest support, because at present any school teacher is permitted to drive a school bus at 60 miles an hour. I wish to persist with my amendment but ask the Minister to consider a further amendment to exempt school buses from this provision.

Amendment carried; clause as amended passed.

Clauses 10 to 19 passed.

Clause 20—"Signals for right turns, stops and slowing down."

The Hon. C. M. HILL: I move:

In subclause (*a*) to strike out "subsection" last occurring and insert "subsections"; to insert the following new subsection:

(1*b*) If the board is satisfied that, by reason of the historical character of a vehicle or class of vehicle or for any other reason, it is impracticable or unnecessary for a signal to be given by the driver of such a vehicle as required by subsection (1*a*) of this section, it may, by writing signed by the Secretary of the board or by notice published in the *Gazette*, exempt the driver of that vehicle or of any vehicle of that class from compliance with the provisions of subsection (1*a*) of this section.

The purpose of these amendments is to allow people to drive older cars, such as veteran or vintage cars, even though those cars have not the required means of indicating an intention to turn to the left.

The Hon. S. C. BEVAN: The amendments moved by the honourable member are in conformity with a discussion we have had, and I have no objection to them.

Amendments carried; clause as amended passed.

Clause 21 passed.

Clause 22—"Council not to authorize angle-parking on a road without board's approval."

The Hon. G. J. GILFILLAN: I oppose the clause. At present councils have the right to regulate parking within their areas by means of by-laws that come before Parliament in the usual manner. This enables a council to give evidence in support of the by-law and also enables the Road Traffic Board to oppose it. I think it is a backward step in the whole function of Parliament to pass over not only the right of a council to determine the circumstances in its own area but also the right of Parliament to consider the matter. In fact, it appears to be passing over what are now the powers of local government and the powers of Parliament to a board. We are seeing this sort of thing happening more every day. In the more remote areas particularly, the local council is the body most fitted to appreciate the traffic and parking problems within its area. I strongly oppose the clause.

The Hon. S. C. BEVAN: I ask the Committee to support the clause. The honourable member said we were taking powers from local government, but I remind him about another important piece of legislation which gave powers to local government. The honourable member knows very well who is attempting to take away those powers. I fully appreciate the position of the councils. However, I also know that because of the actions of certain business people in one council area who are ratepayers the council is reluctant to take action. In fact, it has been requested not to alter the parking regulations because if it did fewer cars could be parked and it would interfere with those business people. My remarks are directed towards the members of the business community who are concerned not with road safety but with their own businesses.

This is the reason we have not had the co-operation of councils previously on this question. I admit that Murray Street, Gawler, is not so chock-full of traffic since the by-pass has been built, but there is still a traffic hazard. With angle parking on each side of the road there is only just room for a commercial vehicle to get through. The same thing applies in Murray Bridge, and also in the metropolitan area. On the Norwood Parade, accidents associated with parking manouevres dropped from 27 to 10 per 1,000,000 vehicle miles, and in Bridge Street, Murray Bridge, the number dropped from 64 to 22 following the change to parallel parking. On Unley Road, where the traffic is extremely heavy, the number of accidents in the ordinary off-peak period was only half the number of accidents on the Norwood Parade. The overall accident situation in the streets concerned has decreased by about 30 per cent.

In the city area, where parking is in greater demand and angle parking is generally provided, the accident situation is worse than on roads where parallel parking takes place. The three roads similarly placed through the park lands are King William Road, Rundle Road, and Peacock Road. The first two have angle parking and their accident rate is 24 and 15 accidents per 1,000,000 vehicle miles respectively, compared with three for Peacock Road where parallel parking occurs.

It is not a matter of taking power from local councils: it is a matter of road safety, and that is where my interest lies. With the accidents occurring today on our roads and the considerable increase in the number of fatalities, it is time we took some action, and this clause represents one attempt to prevent road accidents. The board itself attempted from time to time to co-operate with councils in relation to parking but got nowhere, because of the reasons I have given this afternoon.

The Hon. C. R. Story: Which councils?

The Hon. S. C. BEVAN: The councils that instituted angle parking.

The Hon. C. R. Story: Which ones?

The Hon. S. C. BEVAN: Gawler and Murray Bridge, as well as other councils. The

board has attempted to stamp out angle parking because of the hazard it creates. It is not a question of attempting to take powers from local government: it is an attempt to make our roads safer for the people using them.

The Hon. Sir NORMAN JUDE: I should like the Minister to consider whether this is not a matter that should be confined to main roads. Local roads are strictly under the control of councils. The Minister referred to the city of Adelaide, but I point out that a person in the city might be doing business in a dozen different directions from where he leaves his car, whereas in the country a person might have to travel 20 miles to a country town to do his shopping, and he will want to get his car as close as possible to where he picks up his goods. A delivery service is usually not available in the country.

I appreciate the Minister's point regarding Murray Street, Gawler, and, to some extent, Murray Bridge. The figures he produced regarding Murray Bridge are interesting, because the carriageway through that town has been almost doubled in width.

The Hon. M. B. DAWKINS: I support the point made by Sir Norman, to which I referred in my second reading speech. I appreciate the position obtaining in some country towns (Gawler has been mentioned, about which I know something) and the hazards that exist. The words to which I objected in my second reading speech were "any road". I urge the Minister to consider making it "any main road" or "any highway". Perhaps the Parliamentary Draftsman could produce a clause that would not mean that this could be done on "any road" in the State, because the clause as it stands is too all-embracing.

The Hon. G. J. GILFILLAN: Further to what the Minister has said, I gather that parallel parking is the understood thing on roads and that angle parking applies only where a by-law has been introduced. The Minister referred to councils that will not co-operate by bringing in a by-law to alter the existing situation. As I understand it, the only point at issue is whether or not councils should be authorized to introduce by-laws permitting angle parking. In that case it must come before Parliament and the Subordinate Legislation Committee. Converting angle parking to parallel parking would involve the revocation of a by-law, which again is a different thing. Accident statistics can be misleading, because it is the severity of the accident that is of primary concern. Most honourable members will agree from their experience of driving, particularly on roads where angle parking is permitted, that much care is exercised by motorists and most accidents in connection with angle parking are somewhat trivial. I personally can speak of streets carrying much traffic where angle parking operates and an accident has never occurred because of a person backing out from the kerb.

The Hon. S. C. BEVAN: The clause as at present drafted does not prohibit any council from introducing a by-law in connection with angle parking. It states that the council must obtain the consent of the Road Traffic Board before it introduces angle parking. This covers the point raised by the Hon. Sir Norman Jude and the Hon. Mr. Dawkins about a back road or a road on which there is very little traffic. I suggest to honourable members that the board would not refuse a council the right to introduce such a by-law. We must remember that the board is a reasonable body of people, susceptible to approach by anyone. It does not adopt a dictatorial attitude and refuse to consider these things. If honourable members will feel happier, I am prepared to add after "any" the word "main", so that it will then read "any main road". That should meet the objections raised by Sir Norman and Mr. Dawkins. It would then mean that a council could not introduce a by-law affecting any main road unless approved by the Road Traffic Board. Back roads would not then be included.

The CHAIRMAN: Is the Minister making that a motion?

The Hon. S. C. BEVAN: Yes. I move:

After "any" second occurring in new section 82a (1) to insert "main".

The Hon. C. R. STORY: This goes part of the way towards meeting some objections. The Minister has mentioned Murray Bridge but I understand that for some time cars have been ranked in the main street there. I do not think Murray Bridge has any angle parking. Perhaps the Minister's information is not accurate on this point, as it is not on other points. The main street of Gawler has been widened and improved, and there is the by-pass there, too. I shall be happier if this provision applies to main roads, in which case I take it that Gawler and similar places will not be included, because the main road does not go through Gawler: it by-passes it.

The Hon. S. C. Bevan: Certainly it goes through Gawler.

The Hon. C. R. STORY: The main traffic goes other than through the main street of

Gawler. The by-pass takes all the traffic except that which has some cause to go into the town of Gawler.

The Hon. S. C. Bevan: Also, people going to the Barossa Valley go through Gawler.

The Hon. C. R. STORY: It also makes a good through road from the by-pass. I am wondering about the interpretation of the expression "any main road". Are the main streets through Barmera and Waikerie, for instance, to be regarded as main roads when those two places have by-pass roads? If they are, we do not relieve the position very much: rather do we aggravate it, because angle parking in the main street if that street is not carrying the through traffic is an advantage to the people who have to shop in those towns.

The Hon. G. J. GILFILLAN: The main point is: are we to prevent councils from submitting a by-law to Parliament or will the Road Traffic Board decide whether or not a by-law is permissible? Parallel parking is already defined in the Act, in that all vehicles must be parked parallel to the kerb unless there is a council by-law to the contrary. This means that, if a council wants to introduce angle parking, it has to submit a by-law. The crux of the question is: do we allow the board to decide this wholly on its own or, with the council concerned, should it submit evidence to Parliament in the usual way? The replacing of angle parking with parallel parking is outside this clause: that would be revoking an existing by-law. The present law is that vehicles must be parked parallel to the kerb unless a by-law is in force to the contrary.

The Hon. M. B. DAWKINS: Following the Minister's suggestion of including the word "main"—

The Hon. S. C. Bevan: "Main road" is not defined in the principal Act.

The Hon. M. B. DAWKINS: That does not mean anything at all. Perhaps I should have been aware of that, but I was not. However, some qualification should be included there. I do not like the present phrase "any road". It means that the board could interfere in some places where it should not. That being so, I am not happy with the clause as it stands. Like the Hon. Mr. Gilfillan, I always regret anything that tends to take powers from local government. On the other hand, I admit that local government has not always been wise, particularly in connection with angle parking. I ask the Minister to consider whether he can improve upon this in any way.

The Hon. S. C. BEVAN: My attention has been drawn to the fact that "main road" is not defined in the principal Act. I moved my amendment in order to make the position clear. However, I now request that I have leave to withdraw my amendment because "main road" is not defined in the principal Act. If it had been defined, I would have been happy to continue with my amendment because I appreciate the points made by the Hon. Mr. Dawkins and the Hon. Sir Norman Jude. The board is concerned about traffic hazards. The intention is not simply to prevent a council from introducing a by-law concerning angle parking. The Act states that there shall be angle parking "unless . . ." At present every council has the right to introduce a by-law concerning angle parking irrespective of traffic hazards. Angle parking has become a serious hazard to traffic principally where the traffic is heavy: this is what the board is concerned about.

The clause means that a by-law concerning angle parking in any street cannot be introduced by a council without the approval of the board. I think that all members understand that the purpose is to prevent angle parking on busy thoroughfares, such as those portions of main roads that pass through townships. The purpose is not to take powers away from councils or to adopt a dictatorial attitude; it is purely to reduce traffic hazards. I ask the Committee to accept the clause as it stands. I ask that I have leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Committee divided on the clause:

Ayes (10).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Jessie Cooper, R. C. DeGaris, L. H. Densley, Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, and A. J. Shard.

Noes (9).—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, C. M. Hill, H. K. Kemp, C. D. Rowe, C. R. Story, and A. M. Whyte.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 23 to 27 passed.

Clause 28—"Safety helmets."

The Hon. L. R. HART: I move:

After "person" first occurring in new section 162c (1) to insert "who is the holder of a learner's permit issued to him under the Motor Vehicles Act, 1959-1967".

The effect of the amendment is that it would then only be compulsory for motor cyclists to wear a safety helmet while driving with a

learner's permit. Many problems are associated with the compulsory wearing of helmets but I think it is only a matter of learners becoming accustomed to wearing helmets and eventually all riders will wear helmets. It would be a fairly reliable estimate that 80 per cent of motor cyclists in South Australia wear a helmet. They do so for many reasons. First, it may be because it is regarded as a status symbol and, secondly, they perhaps realize the added safety of doing so.

It should be appreciated that the motor cyclist of today is not the irresponsible type we sometimes saw several years ago. The compulsory wearing of a helmet is opposed by motor cycling clubs. I have a petition signed by 156 motor cyclists protesting against the introduction of a law making the wearing of helmets compulsory. I did not solicit the signatures. I am unable to present the petition to Parliament because it has not been properly prepared for presentation. However, it is interesting to note the following comments contained therein:

We, the undersigned, wish to register our opposition to the proposed South Australian Government legislation to make compulsory the wearing of safety helmets by motor cyclists. The wearing of safety helmets should be encouraged, however, by means of customs and tax exemptions, insurance concessions and campaigns on radio, T.V. and the press. Voluntary wearing of safety helmets will prevent the wearing of inferior, damaged or secondhand helmets, army surplus tin helmets and other such practices merely to satisfy the law. Those that wear helmets do so because of their belief in them and usually do not compromise with poor quality or ill-fitting helmets. In any case, the proportion of motor cycle and scooter drivers wearing safety helmets at the present is very high and very much greater than that of car drivers who wear safety belts.

Wearing a safety helmet is a personal matter. It is up to the particular individual concerned, as a helmet is an article of clothing, not merely another motor vehicle accessory, as are horns, lights, mirrors, etc. We regard the forcing of a person to wear a safety helmet as an infringement of personal liberty, similar to the enforcing of wearing of seat belts in cars. There are many cases where it is impractical or impossible to have a helmet available at all times for both rider and passenger. It is difficult to carry a spare helmet on a motor cycle for itinerant pillion passengers—a helmet is bulky and difficult to secure safely. In addition, no one helmet that he may have for this purpose will fit all sizes of heads. Also, if a helmet is stolen from a machine the problem arises of legally riding it home!

In addition, we support the abolition of the dangerously restricting speed limits for carrying pillion passengers. Adoption of these measures will bring our law on these matters into line with the majority of oversea countries. These views are wholeheartedly shared by the Auto-Cycle Union of South Australia, the controlling body for motor-cycle sport, and the National Safety Council.

I do not wish to delay the Committee, but I refer again to the statistics I quoted during my second reading speech when I said that the number of motor cyclists killed in South Australia was about equal to the number killed in Victoria. However, South Australia has a greater number of motor cyclists than Victoria, and in Victoria wearing a helmet is compulsory whereas in South Australia it is not. On the figures quoted, no justification exists for making the wearing of a helmet compulsory and I ask the Committee to accept the amendment.

The Hon. Sir NORMAN JUDE: Last week I was inclined to support the Hon. Mr. Hart's amendment but I have since given the matter further consideration. I have had considerable experience on motor cycles because I have driven them in excess of 100,000 miles. For most of that time I wore what could be described as a leather helmet with goggles attached. That may have saved me getting hurt on odd occasions, but they would have been rare occasions. The amendment would be an infringement of the rights of the individual. We do not compel pedestrians to wear sidelights when crossing a road, although that might be seriously considered in view of the pedestrian deaths occurring today. We do not compel a motor cyclist to wear a leather jerkin to protect him when he hits the road so that he slides instead of being held by a cloth garment; nor do we say that such a rider shall wear leather boots, which are, after all, part of the standard equipment worn by racing motor-cyclists. It is from racing where we get our ideas about combating the human problem in motor accidents. Again, we do not compel people to wear safety belts in motor cars.

Knowing the facts, I believe the Minister spoilt his own argument, by introducing figures for America, where wearing a helmet is compulsory. The Minister pointed out that accidents there were greater than in any other place, although admittedly the traffic is heavier, but I do not think he should have used that argument for his case. As I have said, I believe this provision is an infringement of the rights of the individual, and I oppose the clause altogether.

The Hon. JESSIE COOPER: I oppose the amendment and I do not believe it is a matter

for compromise. The wearing of a helmet should either be compulsory or it should not and, to my mind, there are two valid points of view. I am amazed at the number of honourable members in this Chamber who have ridden motor cycles and I should like to be able to say that I have been a pillion passenger on a motor cycle on many occasions, or that I had ridden one. In fact, the only opportunity I have ever had to be a pillion passenger was last Wednesday night when I was interviewing members of the Auto-Cycle Union, but at that time I did not accept the invitation.

Throughout industry today safety and safety precautions receive constant attention. We have safety councils, safety officers in plants, we have safety competitions and awards for safety records, not just to save men's lives but to prevent losses in production time and to prevent costly hospital provisions: in short, for the benefit of individual health on one hand and the economy of the State on the other.

The use of safety helmets in a wide variety of places, from building and engineering industry to cyclists on the road—the whole gamut—has been widely recommended generally by all the safety organizations in the world. That applies not only to learners but to all who come within dangerous areas; not only to careless children but also to adults. It is not only the learners who have accidents on motor cycles. Almost all organizations throughout the world who employ motor cyclists insist on helmets being worn. Examples of this are most of the world's motor cycle police squads, the members of which are doubtless among the most skilled and experienced motor cyclists. As a result, these organizations have generally reported a considerable reduction in the number of severe casualties.

I repeat that it is a matter not only of saving people from themselves but also of reducing the burden on hospital wards and casualty facilities. If almost all members of the Police Force, members of motor cycle clubs and students (even students riding motor scooters) can wear these helmets without undue inconvenience or discomfort and without impeding their normal activities, I do not know of any reason why we should refuse to implement something that the experts in the safety field have so widely recommended.

I consider that the proposed amendment to restrict the compulsory wearing of helmets to learners would do more harm than good. In fact, it would do more harm than would result from having no rule at all. Since this matter has been before us I have observed the number of motor cyclists wearing helmets. On my rough count, about eight out of 10 cyclists and scooter riders do this. This is particularly laudable, because of the cost, which is between $10 and $12 for a first-class type of helmet. I have also had interviews with representatives of motor cycle organizations and they are justifiably proud of the way motor cyclists have accepted their responsibility by voluntarily wearing helmets. If there was any inconvenience or notable discomfort associated with wearing helmets, this high proportion of riders would not be wearing them voluntarily.

However, if we make a helmet the compulsory equipment of the learner, it will become a badge of learnership and many young people, as soon as they are qualified for a full licence, will throw their helmets aside as an indication of their status and independence. Therefore, I oppose the amendment. I consider that the choice before us is clear cut and that there should be no compromise. Either we make the wearing of helmets compulsory or we do not. Whatever honourable members decide, we must promote the wearing of helmets in order to save the lives of our young people.

The Hon. S. C. BEVAN: I have no alternative but to oppose the amendment. To restrict the provision to learners is to make the clause absolutely useless and, as the Hon. Jessie Cooper has suggested, it would be better to pass the clause or take it out altogether. The Hon. Mr. Hart produced statistics but if he had made further investigation he would have found that the proportion of accidents in which learners are involved is small. The learners wear safety helmets and are careful, realizing that they are learners. However, experienced motor cyclists take risks. It will be seen from the second reading explanation that head injuries occur in motor-cycle accidents when the drivers of the motor cycles do not wear safety helmets. That applies not only in this State but also in Victoria, where legislation has operated satisfactorily since, I think, 1961.

The experienced driver has to be protected from himself. I do not mean that he is stupid or foolhardy, but any honourable member who drives a motor car knows that the experienced motor cycle driver weaves in and out of traffic and that the speed limit means nothing to him. At the same time, many of these motor cyclists do not wear safety helmets.

Amendment negatived.

The Hon. M. B. DAWKINS: I move:

In subsection (1) of new section 162c before "drive" to insert "on any road or portion of a

road that lies within a radius of twenty miles from the General Post Office at Adelaide or that lies within the limits of a municipality within the meaning of the Local Government Act, 1934-1936,".

I do not agree with the clause as it stands. I consider the wearing of helmets advisable, but it is probably quite unnecessary in country areas. The amendment exempts country areas and leaves the wearing of helmets compulsory within what we might call the metropolitan area and the area within the limits of a municipality. I should like to have extended the amendment so as to cover main roads but, as the Parliamentary Draftsman has pointed out and as I should have remembered, the Act does not define a main road.

The Hon. S. C. BEVAN: I oppose this amendment. Although the greatest traffic congestion may occur in the metropolitan area and within the limits of municipalities, the momentary scarcity of traffic on the open road in a country area induces people to travel at a faster speed than that at which they would normally travel. I do not agree with the restriction imposed by the amendment and hope the Committee will not give effect to it.

The Hon. M. B. DAWKINS: I point out that it does not only exclude a radius of 20 miles: it also excludes municipalities within the meaning of the Local Government Act. I believe it is quite unnecessary for helmets to be worn in country areas.

The Hon. L. R. HART: I believe the Committee should take the advice of the Minister and vote this clause out altogether. Obviously, the Minister is not entirely happy with it himself.

The Hon. S. C. BEVAN: Mr. Chairman, I take a point of order on the comment of the Hon. Mr. Hart. I have never suggested that the Committee should vote this clause out.

The CHAIRMAN: The Minister is making an explanation, and is not taking a point of order.

The Hon. L. R. HART: If my remark worries the Minister, I will withdraw it, because I do not want to get off-side with him. It always pays to keep on-side with the Minister. However, the Minister suggested that we may do this, and I suggest that it may be a good idea to follow his advice. I recall that in his second reading explanation the Minister said that the Auto Cycle Union approached Mr. Hudson, the member for Glenelg, with a view to getting an increased speed limit for motor cyclists carrying pillion passengers. It seems to me that the motor cyclists have been sold down the drain, and that there has been a horse-deal whereby they get their increase in the speed limit but they also incur the penalty of this provision for the compulsory wearing of helmets, which is something they did not seek. Therefore, I suggest that we defeat this amendment and the next one also and that we finally reject the clause entirely.

The Hon. S. C. BEVAN: If I may return to your earlier ruling, Mr. Chairman, I admit that I was making an explanation and therefore I accept that you were right and I was wrong. At no time did I say to the Committee that it would be preferable to withdraw the clause or defeat the clause. What I said was that if we attempted to restrict the provision to learners the clause would mean nothing and it would be better to defeat it altogether.

I have learnt something from the Hon. Mr. Hart this afternoon. I think all honourable members know me well enough to realize that I do not deliberately set out to mislead this Chamber or to lie. The honourable member referred to horse trading, but if he has any information in relation to horse trading he ought to come out with it and tell us about it. As I understand the term, it means that one party enters into collusion with another party and says, "If you will give us this, we will agree to that." I can honestly say that at no time has the Auto Cycle Union or any other authorized union of clubs approached me with a suggestion such as this.

I suggest to the honourable member that if any horse trading is going on it would not be one-sided. If we could get the information we may discover that perhaps a bargain was struck in the way the honourable member suggested, but I can tell the honourable member that we do not use the term "horse trading" unless it is both ways. The honourable member's suggestion is news to me; it makes me suspicious, and that is all the more reason why I ask the Committee to carry the clause as printed.

The Hon. A. M. WHYTE: I thought that deciding the clause would be a matter of voting whichever way one wished to vote, but seeing there has been much talk about it and also talk of horse trading I now wish to make one or two comments. I agree with the Hon. Sir Norman Jude, and I advocate that the clause be deleted altogether. I do not see why there should be any compulsion in this matter. I do not believe that politicians have any greater intelligence than many of the fellows who ride motor cycles. In many areas

it would not be practicable for a person to wear a helmet all day. As the clause contains several other anomalies, I suggest that it be defeated.

Amendment negatived.

The Hon. C. M. HILL: I move:

In new section 162c (1) after "attached" to insert "at a speed exceeding 15 miles per hour".

I agree with the general principle that the wearing of helmets should be compulsory. I do not usually agree with restrictions or controls, but because of the accident rate and the need for cyclists to have protection I believe it is wise to make the wearing of helmets compulsory. However, obviously there are circumstances when cyclists travel at a low speed and it would then be rather foolish to apply the compulsory provision. My amendment permits a cyclist to ride his motor cycle at speeds of up to 15 miles an hour without wearing a safety helmet.

As was mentioned earlier, a person who goes on a trip may lose his helmet, and my amendment would give him an opportunity to return home at a low speed. Also, a person could make short trips from his home at this low speed without infringing the law. I feel supported in some respects by the submissions of the Auto Cycle Union, which agreed with the principle that helmets should be worn, although it mentioned a speed of 20 miles an hour.

Amendment carried.

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

In new section 162c (1) in the penalty provision to strike out "Fifty dollars" and insert "Twenty dollars".

I have not previously spoken on this clause, but I feel as other honourable members do. It will be hard to police the matter because it will create all sorts of difficulty. It involves an offence against a person's own safety, not against other road users. I am against the compulsory wearing of helmets, because I believe that people should be educated to wear them voluntarily. It will be almost impossible to police the compulsory wearing of them. Although I intend ultimately to vote against the clause I move the amendment because an offence that is not against other road users is trivial and a penalty of $50 is far too great.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (10).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Jessie Cooper, R. C. DeGaris, L. R. Hart, C. M. Hill, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, and A. J. Shard.

Noes (9).—The Hons. M. B. Dawkins, L. H. Densley, R. A. Geddes, G. J. Gilfillan (teller), Sir Norman Jude, H. K. Kemp, C. D. Rowe, C. R. Story, and A. M. Whyte.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 29 and title passed.

Bill recommitted.

Clause 9—"Speed limit for motor buses and trailers"—reconsidered.

The Hon. C. R. STORY: First, I apologize to the Minister and the Committee for the fact that I was unavoidably called to the telephone at the time this clause was passing through the Committee stage. I had referred to it at some length in my second reading speech. I do not want the clause to pass without registering some protest and, if possible, amending it. I am not in disagreement with the amendment accepted so far as the first portion of the clause is concerned (Hon. Sir Norman Jude's amendment), although I should have preferred to strike out the whole clause. I shall not attempt to do that now, but I move:

To strike out from new section 53a subsections (2) and (3).

I do not think this matter of caravans, boat trailers and small trailers has been considered sufficiently. Also, this clause restricts a passenger bus or other type of vehicle completely fitted with air brakes to a maximum speed of 45 m.p.h. if it has a trailer exceeding 15cwt. in weight. New subsection (3) reads:

Subsection (2) of this section shall not apply to a trailer which, together with the load thereon, does not exceed fifteen hundredweights.

This does not in any way describe the type of trailer. It can be any jerry-built trailer that anybody likes to put on the road. There is no provision for roadworthiness in this respect anywhere in the legislation. It can be any type of trailer. It may weigh 1cwt. in itself and carry a 14cwt. load. I believe that the main object of this measure is road safety; the Minister has stressed this point. I believe that we are obviously not ready for the legislation. When I was a member of the Subordinate Legislation Committee, that committee considered regulations dealing with a type of safety chain to be provided on trailers; this was obviously a hasty move because the wording caused terrible confusion. If safety chains were fitted as provided in the regulation, two navvies would be needed to put them on the vehicle.

I do not think we are ready to include this measure in the Statute Book. I suggest that

the Minister take the matter back to his experts for re-examination; I believe that, on reflection, they, too, will agree that merely to introduce a proviso as loose as this is an indication that insufficient consideration has been given to the matter. I suggest to the Minister that he bring this measure back in June. I would like to see the various types of vehicle categorized: a trailer may be carrying an aluminium boat or a heavy motor boat. A caravan may be of the flimsy type that is pulled by a low horsepower vehicle or it may be a four-wheel caravan that weighs up to four tons. This should be considered more closely. Some caravans have air brakes and other refinements whilst others may have been built in somebody's back yard. I do not think that we should pass a measure that is a blanket over the whole thing. Also, to exempt 15cwt. trailers without any safety inspection at all is nothing short of suicide; I know the type of trailer with which some people tear around the countryside. I would rather we put nothing on the Statute Book until the new session in June when more consideration can be give to this matter. I am not unsympathetic with the Minister's purpose.

The Hon. S. C. BEVAN: This matter has been discussed previously; its purpose is to improve road safety. I thought that I had made this clear. The honourable member is not quite right in some of his statements regarding the wording in connection with trailers. The weight of the trailer (15cwt.) includes the weight of the trailer and the load on it. This is already embodied in the principal Act: section 53 (3) states:

For the purposes of this section the weight of a vehicle or of a trailer drawn thereby shall be the weight of the vehicle or trailer together with the weight of the load (if any), including passengers, fuel, and equipment, carried thereon.

This is nothing new; the wording is not different. The honourable member referred to boat trailers: what we are concerned about is the speed of vehicles drawing trailers and the hazards caused to other road users. The Hon. Sir Norman Jude referred to the inadequacy of devices on vehicles drawing trailers to signal a left-hand or right-hand turn or a stop: a large caravan completely obscures the vehicle that is towing it. These things are necessary. It is necessary to have this clause in the Bill so I hope the Committee does not accept the amendment.

The Committee divided on the amendment:

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

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

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Bill read a third time and passed.

LONG SERVICE LEAVE BILL.

The House of Assembly intimated that it agreed to a conference on the Bill, as requested by the Legislative Council, at 7.30 p.m. in the Premier's room.

Later:

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

That Standing Orders be so far suspended as to enable the sitting of the Council to be continued during the conference with the House of Assembly on the Long Service Leave Bill.

Motion carried.

At 7.30 p.m. the managers proceeded to the conference. They returned at 8.30.

The Hon. F. J. POTTER (Central No. 2): I have to report that the managers have been to the conference on the Long Service Leave Bill, which was managed on the part of the House of Assembly by the Minister of Works (The Hon. C. D. Hutchens), Messrs. Broomhill, Coumbe, Heaslip, and McKee. They there delivered the Bill together with the resolution adopted by this House, and thereupon the managers for the two Houses conferred together and no agreement was reached.

SUPERANNUATION ACT AMENDMENT BILL (CONTRIBUTIONS).

Adjourned debate on second reading.

(Continued from March 14. Page 3643.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill. In 1961 the amending Act required a three-yearly valuation of the fund. That amendment was made on the recommendation of the then Public Actuary. Previously the re-valuation was carried out on a five-yearly basis. The 1961 amendment required a valuation to be made as at June 30, 1965. Unfortunately, the death of the Public Actuary prevented such a valuation from being carried out. I appreciate that the Government tried to appoint another Public Actuary but until

recently was unable to do so. However, I am pleased to know that a Public Actuary has now been appointed.

The first amendment in this Bill requires a valuation to be carried out as at June 30, 1967, and on a three-yearly basis thereafter. That is achieved by clause 4. During the debate on the amending measure presented to this Chamber last year I raised matters referred to elsewhere in this Bill. Clause 5 achieves a reduction in contribution rates for units or part units taken out by contributors prior to February 1, 1966. This comes about because of an alteration in contributions, which were previously on a two-to-one basis, but after the amending Bill of last year were fixed on a 70 : 30 basis. During the debate in the last session I pointed out the difficulty that would arise in deciding whether the rates of contributions for old units should be similarly reduced on the higher earning capacity of the fund.

I believe under the amended conditions some members are paying 20 per cent more for units, depending on the day when such units were taken out. As I said, I realized last year that difficulties would be encountered and I am pleased to see that the anomaly I mentioned has been corrected. Adjustments will take place from July, 1967, and much clerical work will be involved.

The third matter in the Bill relates to a point raised by the Hon. Mr. Potter regarding a complication that could arise in the means test for a Commonwealth social service pension. The position now is that as an increase in superannuation occurs there is a consequent possible reduction in the Commonwealth social service pension. The Bill permits a supplementary pension to be paid to compensate for the loss of purchasing power, and such supplementary pension will be payable from the surplus in the fund.

I believe that eventually other matters will need to be reviewed, so possibly before long further alterations will be made to the legislation.

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

TRAVELLING STOCK RESERVE: ORRORO.

Adjourned debate on the resolution of the House of Assembly:

That the travelling stock reserve between Orroroo and Morchard, as shown on the plan laid before Parliament on November 1, 1966, be resumed in terms of section 136 of the Pastoral Act, 1936-1966, for the purpose of being dealt with as Crown lands.

(Continued from March 14. Page 3621.)

The Hon. R. A. GEDDES (Northern): I rise to support the motion. I have spoken to the Clerk of the District Council of Orroroo, who is pleased about the resumption of this area of about 1,130 acres so that it may revert to the Crown. The only problem that has been reported to me is that the council considers that plans for the future sealing of the road between Morchard and Orroroo and possibly the taking out of some of the corners and bends may result in some of the land to be resumed by the Crown being wanted for road-making works. I have been requested to suggest to the Minister of Roads that his department examine the matter before the boundaries of Crown lands are finalized.

Resolution agreed to.

SUPREME COURT ACT AMENDMENT BILL (PENSIONS).

Adjourned debate on second reading.

(Continued from March 14. Page 3624.)

The Hon. C. D. ROWE (Midland): I support this desirable Bill, which provides for an increase in the pensions paid to judges who have retired some time ago and also for an increase in the pensions paid to widows of deceased judges. Unfortunately, over the last few years we have suffered the loss by death of several judges of the Supreme Court. Their widows are finding that the pensions being paid to them are not commensurate with what they are entitled to expect, because of the decreased value of money. The pensions of retired public servants and police officers have been increased from time to time having regard to the loss in purchasing power of the pensions since the officers retired. Therefore, it seems reasonable to increase the pensions of retired judges and of the widows of judges.

Since July 1, 1958, the index of retail prices indicates an increase of about 22 per cent and, since July 1, 1960, an increase of about 13 per cent. Bearing this in mind the minimum pension now proposed to be paid to a retired judge is $6,250 a year and it is proposed that a pension at half this rate is to be paid to his widow on his death. The present basic rate of pension for a judge is $5,000 a year. The lowest rate for a widow is being increased from $2,500 a year to $3,125 a year. I consider that the men who have occupied positions as judges of our Supreme Court have made sacrifices by leaving a profession in which their emoluments would have been much greater. There is every justification for making an increase of this kind, and I have pleasure in supporting the Bill.

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

POLICE PENSIONS ACT AMENDMENT BILL (SENIOR CONSTABLES).

Adjourned debate on second reading.

(Continued from March 15. Page 3696.)

The Hon. C. D. ROWE (Midland): This is another Bill that makes certain adjustments to pensions. I understand that at present a fixed pension is payable to constables and that there is also a fixed rate for commissioned officers. However, there is a class of police officer known as senior constables, who have a rank higher than constables, and it is considered that there should be some differentiation between the ordinary constable and the senior constable. The purpose of the Bill is to give effect to that. In general terms, the senior constable will have a rate intermediate between the base rate and the rate for the commissioned officer.

I pay a particular tribute to the work of our Police Force. I, as well as many other people, am distressed at the risks to which policemen must submit themselves in order to carry out their work. We, as members of the Parliament, should take a dim view of the actions of people who make the work of members of the Police Force more difficult and who subject policemen to rough treatment. Before long we shall have to consider strengthening the protection we give to members of the Police Force and we shall have to let those people know that the community frowns on this kind of conduct in any circumstances. It is most important that the police feel that Parliament is 100 per cent behind them in their efforts to maintain order and dignity in the community and to provide protection to the ordinary citizen as he goes about his business. One way in which we can do this is to see that adequate pensions are provided for all members of the Police Force. Consequently, I approve of this Bill to give some increase in pensions to the senior constable, and I do not think I need say anything further.

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

CROWN LANDS ACT AMENDMENT BILL (LIVING AREA).

Adjourned debate on second reading.

(Continued from March 14. Page 3624.)

The Hon. C. R. STORY (Midland): I support the second reading. This is one of the few instances in the last couple of years in which the Government has said it is going to liberalize certain things. I am all for this. The purpose of the Bill is to liberalize further the limitation on the unimproved value of Crown lands that may be allotted to any one person. Prior to the amendment passed earlier this session, the Land Board had examined the whole situation regarding limitation under the Crown Lands Act following the land tax quinquennial assessment of 1965. The amendments were considered to be those which would bring the whole field of limitations into line with present-day values. This is very good.

The amendments deal with section 31 of the principal Act. This amendment is different from the one we had before us earlier this session which was not to liberalize but to restrict the area any person could hold and also to place a limitation upon the value of that land. Therefore, we find that in some areas of the country a limitation of 4,000 acres was imposed when 4,000 acres was probably not a living area. It is entirely up to the Minister of Lands as to how he decides whether or not an area is a living area. I know of two cases which have been before the Minister where the people concerned have been generously treated. I am pleased that we now have the thing clear-cut.

Section 31 of the Act, which this Bill amends, deals with unimproved land and first allotment. We know that at present we are dealing with land in several parts of the State that will be perpetual lease land for the first time. In fact, in many cases that land will be brought under the plough for the first time. Section 31 is to be amended by striking out "$15,000" (the original amount that could be held by one lessee) and inserting "$25,000", and on present-day values this will improve the position and enable a person to have a living area.

In the part of the country where most of this new development takes place the properties should not be too small, because we are still suffering from the cutting-up of the Murray Mallee in 1910 to 1914, when farms were cut up into areas that were far too small. As a result of this, we have had the marginal lands problem and we have had to compensate various people for going off the land in order to make a living area for other people. I think it is important when we are setting out to allocate new land that we get on to a basis such as that being provided.

The amount of the excess that may be granted at discretion is being raised from $1,000 to $2,000. This refers to the discretion granted to the board in view of the change in

money values. I think this, too, is a good provision. I do not need to delay the Council further. I have studied the matter carefully, and I am happy that some benefit is to be received and that certain safeguards are being instituted with the allocation of this new land. I therefore support the second reading.

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

CONSTRUCTION SAFETY BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3748.)

The Hon. C. D. ROWE (Midland): This is a Bill that really repeals the Scaffolding Inspection Act and re-enacts it, together with some additions, under the name of the Construction Safety Act. First, let me say that everyone is in favour of safety both in industry and in construction work. Nobody desires that anybody shall be injured or suffer loss of life because of unsafe working conditions. Therefore, it is true to say that all honourable members in this Council are in favour of doing everything possible to protect the workman from injury whilst he is at work. I want to make that quite clear from the outset.

But it appears to me that there may be a difference of opinion on how the maximum degree of safety can be obtained. During the years when I was the Minister responsible for the administration of this legislation, I did what I thought necessary and desirable to improve the standards of safety in building construction. So we have to try to work out a balance between the necessity that goes with building construction and the safety of the worker. Obviously, if we are to have complete safety, none of us will go to work at all.

The Hon. A. F. Kneebone: But we are told there are more accidents in the home!

The Hon. C. D. ROWE: Obviously, people still have to go to work. Consequently, we have to introduce legislation that takes account of this fact and that people have to undergo some risk at work. We have to strike a balance between that and regulations and controls that are too onerous and make it impossible for work to continue. That is what is being attempted by this Bill.

There are two ways of approaching this problem. One is to try to get people to do the right thing because they realize that that is the correct and proper thing to do in the interests both of themselves and of their fellow workers—an approach based on education and encouragement. The other is an approach by way of compulsion: in other words, we set out in this legislation that certain things must be done and, if they are not done, a penalty will be imposed. Under the previous Government the emphasis was always on education rather than compulsion. To that end, safety conferences were organized where methods of ensuring safety were demonstrated and lectures were given on procedures necessary in the lifting and handling of materials, and so on. It was sought to encourage people to do the right things. I believe that that approach achieves considerable results. It is much easier to lead a person to do the right thing than to compel him by legislation.

Although it is true to say that in the past our legislation as regards industrial safety (I do not apologize for talking about industrial safety, although this Bill is more concerned with construction safety, since the principles are the same in both cases) and construction safety has been less restrictive and less onerous than that in some other States, I believe our safety records in total have been much better. They have been better, first, because there has been a better understanding between employers and employees and, secondly, because of a greater consideration being shown by one employee for his fellow employees working on the same job. In other words, if we can reach the stage where one employee will say to another, "Bill, don't act in that way; don't do that, because it is dangerous for the rest of us", if we can engender a feeling of responsibility among the employees, we are likely to get a better safety record than by having something on the Statute Book which states that there will be a penalty if a particular method of safety is not observed.

While the emphasis was on education rather than on legislation, we did nevertheless look at the Act on various occasions. In 1957 some major amendments were made, and again in 1961. Then in 1963 further amendments were made. All these amendments were designed to improve working conditions on construction jobs. This Bill deals with construction safety, not industrial safety. It is true to say that the securing of safe working conditions on a construction job is much more difficult to achieve than safe working conditions in industry. The reasons are several.

In the first place, at a site on which people work on construction jobs people are changing almost from day to day or from week to week. In other words, they work on a construction site for a few weeks and then move somewhere else. Under these temporary and transient conditions, it is much more difficult to devise a

code of safety or laws to give the same degree of safety that we get in a factory established in one place, maybe for 10, 20, 30 or 40 years. If an operation is being carried on in the one place, we can afford to incur expense to ensure safety to a greater degree than if people are working in one place for a short time before moving on.

Secondly, in most industrial concerns there is a large degree of stability of labour: the same people are working together doing the same job. They know one another, have an interest in one another and take an interest in each other's welfare. They realize that what injures one may well injure another, so there is a spirit of good will amongst them; whereas in construction jobs there is a large turnover of labour, which means several things. In the first place, it means that a person does not know quite so well the person with whom he is working and, secondly, he is not quite so experienced in the hazards of a particular job.

Thirdly, whilst people working in industry are nearly always provided with cover and protection from the elements and the weather, it frequently happens that employees engaged in construction work have to put up with the rigours of all kinds of weather. If they are working in extreme heat or extreme cold or heavy rain, the rewards attached to their work are greater than the rewards if working under better conditions.

Fourthly, generally speaking, people in a factory are doing the same kind of job in the same area and they are working with people who are tradesmen like themselves; they understand the nature of the work and they understand what the man who is working next to them is likely to do. However, on a construction job there are people representing many trades—plumbers, carpenters, air-conditioning engineers, masons and bricklayers: they are all working together, sometimes in a relatively confined space, doing the work that has brought them together at that time. In these circumstances it is obvious that the degree of risk is greater than in a factory. All these things make it much more difficult to provide safe working conditions on a construction site that is only temporary, unlike a factory which remains in the same place for many years.

Another point that has concerned us in connection with this matter is the considerable change in the methods of construction that are used on larger buildings and, of course, more multi-storey buildings are being erected today than were erected many years ago. Consequently, the type of construction is much more sophisticated: regarding excavations for underground work, the bulldozer has replaced the pick and shovel. In many multi-storey buildings hoists, cranes and power tools have come into use during the last 10 years. Whereas 10 or 20 years ago, when a new building was being constructed, the scaffolding on the outside was put up first and then the exterior walls were built, today the situation is completely different: construction proceeds from the centre outwards. The steel framework in the centre of the building is erected, and the exterior walls are built later. All these things mean that the Act, which was suitable some years ago, is certainly unsuitable for the situation today, and it requires amendment.

I agree that the overriding consideration is the safety of the workmen and everybody else on the site; nevertheless, we must strike a balance somewhere between the required standards of safety and the costs that are involved in providing those standards. At this point I want to stress the increasing costs of industrial work in South Australia that have been evident since the advent of the present Government: I say this quite seriously. I do not think the Government has yet realized the extent to which it has damaged the economy of the State and the extent to which it has prejudiced the State's chances of future development by allowing costs to get out of control. Several people in the industrial field have said to me, "Whereas we had a cost advantage over other States, this advantage is being gradually whittled away." One person who employs a large number of men said that, whereas a year or two ago he was supplying goods of his own manufacture to 15 different contractors in the other States, he has found that because of increasing costs he is gradually losing these contracts, and he believes that the number of men he will be able to employ will gradually decrease. This factor is becoming more and more prominent in the minds of industrialists in this State, and it will become increasingly important to employees in this State; at the same time, the employee wants safe working conditions (and is entitled to them). The previous Government achieved a better record of safety in industry and construction jobs than any other State, and it also ensured that there was a continually expanding market for employees so that they could be sure of jobs: this is one point that is uppermost in employees' minds. We must be

careful not to load the costs of construction to such an extent that it becomes uneconomic to do the work.

I have looked at this Bill, first from the viewpoint of achieving adequate standards of safety, and secondly from the viewpoint of not loading the cost to the employer to such an extent that it becomes uneconomic to continue with the rate of expansion that we have had in previous years. When we remember the decrease in the volume of work in the building industry today and that there are practically no multi-storey buildings being constructed in the metropolitan area at present (apart from those nearly completed), we realize that we must have more development in this field, otherwise the employment situation will worsen. This concerns me greatly.

I have tried to make these points in the limited time at my disposal. It is a little unfortunate that this Bill has been brought in so late in the session; it might well have been brought in earlier in view of the fact that it was to be introduced in the Council. We would then have had more time to consider it. The effects of this Bill are far-reaching but I have examined it as carefully as possible.

The Hon. A. F. Kneebone: It came from another place.

The Hon. C. D. ROWE: I am confusing it with another Bill.

The Hon. S. C. Bevan: No doubt you will repeat your remark later.

The Hon. C. D. ROWE: I certainly will. There has been such a spate of Bills that the memory is inclined to become blurred. I am indebted to the Minister for his correction. There is no reason why this Bill could not have been introduced earlier. Having said all that, the truth still remains that this Bill might have been sent here earlier to permit a greater opportunity to consider it. I have placed several amendments on the files. I shall not discuss their details now because we are late in the session and it would delay the Council. All my amendments are desirable and will improve the standard of the Bill greatly; I shall make more comments on them during the Committee stage.

The only point I emphasize is that I am still strongly of the opinion that education is far better than compulsion in connection with this kind of legislation. I favour spending more money to educate people to do the right thing; this approach will get us further along the road to safety than a lot of clauses and conditions which will be harsh in increasing costs and which I do not believe will achieve the result that is hoped for—greater safety in industry. It is sometimes said that people who emphasize the education aspect, and who are opposed to severe penalties and provisions in a Bill such as this, are placing pounds, shillings and pence before the safety of the individual. That is not my view on this legislation. I favour maximum safety and I emphasize that our industrial record with regard to accidents shows that, although some people may have regarded our legislation as vicious in some respects, we have achieved a greater degree of safety than has been achieved in other States.

I believe much would be achieved by the appointment of personnel officers who could have the confidence of employees and be able to discuss problems not only in relation to work but also personal problems. Many accidents occur because people become preoccupied with incidents in the home instead of concentrating wholeheartedly on the work before them. I had a personal experience of this the other day in driving my car to work. I was making what I considered to be a good speech on this Bill when suddenly I discovered that I had driven through a red light. One should not be surprised at driving through a red light because there are many traffic lights between my house and my place of work. It shows I was oblivious to what I was doing at the time. I think such things happen to many people in industry, and I would like to see some consideration given to that aspect because if a man's mind can be freed from fear and worry and other extraneous matters his work will improve in consequence. That applies particularly to fatigue caused through long hours of work. It especially applies when Parliament is asked to sit long hours; I do not believe honourable members can concentrate when that occurs. I hope the Government will accept most of my amendments and that there will be no delay in placing the legislation on the Statute Book.

The Hon. L. R. HART (Midland): I appreciate that it is necessary from time to time to revise various Acts or to consolidate legislation. I believe the Government's action in consolidating this Bill is commendable, but I wonder what is the motive in revising and consolidating the Scaffolding Inspection Act. It was suggested in this debate that the Act is an old one and needs bringing up to date. I believe honourable members are prepared to accept that, but the Scaffolding Inspection Act has only 15 sections. Many other Acts are more

in need of bringing up to date, and others should be consolidated. It should be done before dealing with the present Bill.

As the Hon. Mr. Rowe has said, one wonders why it is necessary to introduce the Bill so late in the session, when there is so little time left for honourable members properly to study its implications. It appears that a number of matters in the Bill could well be covered (and, indeed, are covered) in other Acts. In addition, some matters are also covered by Commonwealth and State industrial awards. Concessions to employees and restrictions on employers are contained in the Bill. One wonders why it is necessary to have them spelt out in this measure.

I realize that it is part of the duty of the Opposition to make legislation work; I believe it is our duty to make this measure work. We may not approve of all items, and I do not believe all should have been included in the Bill, but the Government should be prepared to accept some of the amendments to be moved by the Hon. Mr. Rowe. Some of them contain much merit.

The Bill will unquestionably force heavy costs on to the building industry, not only in the private sector but also in the Government and semi-Government sectors. The Government is deeply involved in the building industry as well as in construction work which will be brought under this legislation. In addition, local government is involved, and costs will be loaded on to industry in general. One wonders just how far it is possible to go in increasing industry costs.

The present Government has introduced legislation affording a number of examples of increased costs, such as the revised Workmen's Compensation Bill that has placed heavy additional costs on industry. I think such legislation is commendable, but all such matters must be considered in their true perspective and be based on the ability of industry to bear such costs. In this Bill the Government has overstepped the mark and is introducing some safety regulations that are, perhaps, not required in their present form. Because of that they are probably not acceptable to industry, which will be over-loaded with an extra cost burden.

We have had warnings lately of the problems facing the building industry. In fact, in the daily newspaper of March 9 an article appeared written by a person who would, I presume, be a staunch supporter of the Labor Party. This gentleman is the Secretary of the Plasterers Society. He said that the blame for the current slump in the building trade must be placed at the feet of the State Labor Government. Yet, here is that same Government disregarding the good advice, and I assume it came from a good supporter of the Labor Party. This legislation will add further costs to industry. This is possibly not the only instance. Another Bill on the Notice Paper will, I think, be a greater burden to industry than the Bill before us.

To a large extent this is a Committee Bill. It consists of 22 clauses, as well as several schedules. Clause 5 deals with the work to which this measure applies. We find that it applies to any building work on which any hoisting appliance or any scaffolding is used or is intended to be used. "Building work" means:

> Work in constructing, erecting, adding to, altering, repairing, equipping, finishing, paint-cleaning, signwriting or demolishing which, when done in relation to a building or structure, is done at or adjacent to the site thereof . . .

It seems from that definition that certain types of structure not named will come under the Bill. Powerlines for the distribution of electricity is one such structure. We know that, in the distribution of electricity, it is necessary to erect huge pylons and that hoists are used for this work. I take it that, if these pylons are being erected in an area covered by the legislation, they will come within its ambit. The same applies to water-boring plants and oil-boring plants. Further, it is sometimes necessary to use hoisting appliances in the erection of windmills. If all these constructions come within the ambit of the Bill, the primary producer erecting a windmill will be required to comply with clause 7 (1), which provides:

> The principal contractor in respect of any work to which this Act applies shall at least 24 hours before such work is commenced—
>
> (*a*) give, either personally or through some other person acting on his behalf, notice in writing to the Secretary for Labour and Industry stating the place and date on which it is intended to commence such work and such other particulars as may be prescribed;

In addition, he will be required to pay a registration fee and, if he fails to do that, he will be liable to a penalty of $100. Regarding the erection of powerlines, it could be assumed that certain portions of a line would be in the area covered by the legislation and that other portions would not. I take it that the Minister would regulate and declare the whole of the

powerline to come within the ambit of the Act. Would the erection of each pylon be regarded as a separate building, or would the whole powerline be said to be one project? Clause 8 (2) places a certain onus on the person known as the principal contractor. The Minister said in his explanation:

An additional provision is made requiring that every contractor and employer ensure that the provisions of the Act are complied with . . .

I consider that the number of workmen is not a true indication of the hazards on a site. Often, far more men are employed on a building when it is nearing completion than are employed on it at the early stage of construction. However, the danger is probably negligible when the building is nearing completion. At that time, carpenters are carrying out their duties and workmen may be putting down concrete floors inside the building. Therefore, the number of workmen employed on a building is not the criterion in regard to safety requirements. The nature of the job should be considered. There could be much danger in the early stage of construction and perhaps at that time safety supervisors should be present.

The clause also requires that the principal contractor shall give notice in writing to the Chief Inspector of the name of every person appointed by him to be a safety supervisor within 24 hours after every such appointment is made. We know that building contractors have many jobs in progress at any one time and that there is flexibility within their labour ranks. Workmen are shifted from one job to another and it may also be necessary to shift a safety supervisor (who may have other duties as well) from job to job. Therefore, it may be necessary to appoint a number of safety supervisors throughout the period in which a building is under construction. Is it reasonable to expect that the principal contractor should supply to the Chief Inspector, in writing, the names of all these persons? Would it not be reasonable, once the Chief Inspector has been informed that the building has commenced, to require that it be necessary from that time on only to place the names of the safety supervisors on a notice board?

Clause 11, which deals with the provision of amenities, is completely out of place and out of character. I do not think it is reasonable to require that the principal contractor be responsible for the provision of amenities. They should be the responsibility of the employer of the labour. The employer should be responsible for the welfare of his workers, and these workmen may well be covered, in the matter of amenities, by State and Commonwealth awards. I also consider that on-site amenities should remain related to the various awards.

Clause 12 requires the principal contractor to keep a copy of the legislation and regulations on the work site. Many of these work sites would not have an office, so just where would the principal contractor keep a copy of this Act and the regulations? I think it would be reasonable for the principal contractor to keep them at his principal place of business, for after all that is probably the pick-up point for his labour. Therefore, I consider that this clause could well be amended to provide for what I have suggested.

The Minister in introducing the Bill specifically referred to multi-storey buildings. We do not quarrel with the requirement that safety supervisors should be employed on these multi-storey buildings: we believe that is reasonable. However, if a powerline comes within the ambit of this Act, is it to be required that a safety supervisor be employed for the erection of this powerline? Undoubtedly, a powerline will come within the ambit of the Act.

Clause 13 deals with provision for riggers. I believe that riggers probably should be employed on multi-storey buildings. However, any person can be trained as a rigger; he may be a carpenter or a builder's labourer and he may be appointed for this type of work if it is not particularly technical. The man who is qualified to supervise the erection of structural steel would not require the same qualifications as a man who was required to dismantle the crane on top of the large insurance building now being erected opposite Parliament House. Therefore, there should be some elasticity in this question of the licensing of riggers. Clause 14 deals with the reporting of accidents. Subclause (1) states:

This section shall apply to every accident which occurs during the course of work to which this Act applies and . . . which incapacitates a person for work in the course of his ordinary employment.

To what degree of incapacity does this apply? If a man gets a splinter in his finger or if a carpenter hits his finger with a hammer and receives treatment on the spot and is back at work within half an hour, is such a person required to be covered under this clause? The clause goes on to say that when an accident to which this clause applies occurs the employer of the workman injured in the accident shall keep for a period of not less than three years a record relating to the accident. If that is the

position, I believe there should be some provision setting out for how long a person should be incapacitated. In fact, in the old Scaffolding Inspection Act, from which this provision is taken, a period of 24 hours is mentioned. I believe we should insert that additional wording.

I am not particularly happy with a number of other clauses. However, no doubt these will be dealt with in Committee. Clause 16, referring to the powers of inspection, states:

Every inspector may at all reasonable times, for the purpose of making any inspection or examination or inquiry necessary or convenient to be made in connection with the administration and enforcement of this Act, enter and remain in or upon any land, building, structure or works and may take with him a member of the Police Force when he has reasonable cause to suspect that he may be hindered or disturbed or may in any way be obstructed in the execution of his duties.

I believe it is a reflection on the principal contractor when it is suggested that the inspector should have to take a police officer with him. Indeed, I believe the police officers would be far better employed if they spent their time investigating some of the vandalism that occurs on building sites. With those few remarks, I am prepared to support the Bill but will reserve further judgment until the Committee stage.

The Hon. D. H. L. BANFIELD (Central No. 1): The Hon. Mr. Rowe told us that he missed the red light because he was perturbed about the safety of workers, but had he seen the red light when he was in office this Bill would have been before us three or four years ago. I suggest that in future he take notice of the red light and act accordingly. It is true, as the honourable member said, that this Bill repeals the Scaffolding Inspection Act, 1934, and the amending Acts passed over the years. However, I do not agree with his comment that the Bill is too onerous. The Scaffolding Inspection Act cannot cope with present-day conditions, and although this Bill incorporates many of the provisions of that Act it also incorporates many more desirable features.

As its name implies, the Bill makes provisions for the safety and welfare of persons engaged on building and other works, and I am sure there could be no quarrel with providing safety measures for any persons, although the Hon. Mr. Hart's main concern is not with the safety of employees but with the possibility that the cost of a job may rise. I suggest that we are all concerned at increasing costs. However, the fact remains that no cost is too great if we are going to save the life of one workman. We are all obliged to acknowledge that the safety of the worker is of prime importance.

The Hon. L. H. Densley: Shouldn't the employee have some responsibility in this matter?

The Hon. D. H. L. BANFIELD: I agree that both the employer and the employee should have some responsibility, but I also suggest that action should not be taken against an employee who points out to the employer that certain jobs are not safe and that he wants the position remedied. Time and time again it has been reported that men's jobs have been jeopardized because they have drawn the attention of employers to unsafe conditions. While the responsibility can rest upon the shoulders of the principal employer and the employee, at least the employer should take some notice of things to which his attention is drawn and should not suggest to the employee that if he does not get back on the job he will not be working there the next day. Possibly an employee would not be working on that job the next day because he would be in hospital as a results of the employer's failing to take proper action.

The Hon. Sir Norman Jude: Do you think dogmen ought to wear parachutes?

The Hon. D. H. L. BANFIELD: If the honourable member thinks parachutes are desirable and that their use would be in the best interests of the workers, I suggest he move an amendment to provide that they be used on multi-storey buildings. I am prepared to accept any suitable and proper provisions for the safety of employees.

Clause 11 provides that the principal contractor shall provide the necessary amenities such as wholesome drinking water; washing facilities; accommodation for meals, clothing and tools; sanitary conveniences; first-aid equipment; and appliances for the prevention and extinction of fire. The Hon. Hr. Hart, of course, says that the principal contractor should not have these responsibilities but that they should be split up between the various subcontractors. My answer is that the finishing of the building is the principal contractor's responsibility, and that if he accepts that responsibility he should also accept responsibility for the provision of these amenities.

Under the Scaffolding Inspection Act the subcontractor has been required to provide the amenities through the various awards. This, of course, meant that the master carpenter, the plumber and the painter each had to make provision for his men, whilst the electrician and

the employers covered by the Commonwealth Metal Trades Award did not have to make any such provision, so those employees were left without such provisions and the principal contractor was not called upon to see that those employees under the Commonwealth awards had any amenities. The provision making it necessary for the principal contractor to be responsible for notifying the Department of Labour and Industry 24 hours before work is commenced is a good one. It enables the department to make arrangements to have its inspectors on the job to see that all the provisions of the Act are carried out. However, this will not debar the contractor from carrying out work of an emergency nature.

He knows when he will commence a job, and 24 hours' notice is not too long. The provision concerning qualified and certified riggers may be taken the wrong way. The clause that a rigger must have a certificate if he is in charge of a building while structural steel, etc., is being erected is a good one, because frequently we have found that accidents have resulted through inexperience and inefficiency of some of the riggers. The provision of clause 9 for the appointment of safety supervisors in a place where more than 20 workmen are employed at any one time should commend itself to all honourable members.

The safety conferences commenced by the Hon. Mr. Rowe while he was the responsible Minister were good as far as they went, but they suffered from lack of support by the employers, who did not allow their employees to attend them. Consequently, the conferences were comprised mainly of employers and full-time union members. There were not as many employees at the conferences as there were representatives of the firms. Also, many employers did not encourage their employees to enrol for the courses of instruction that were arranged. Had they done so, it would have been in the interests of the employers and the employees. The Hon. Mr. Hart felt that perhaps an inspector should not require police protection if he went on to a job where he was likely to be molested: it might cast an aspersion on some of the principal employers. While it may not be the principal employer who makes a threat against the inspector, it is the employer's responsibility to see that an inspector is made welcome when he visits a factory, because after all the inspector is carrying out a responsible and necessary duty. The Bill does not require the amendment suggested by the Hon. Mr. Rowe. It would whittle down the Bill to some extent. I suggest that honourable members do not accept that amendment. I support the second reading.

The Hon. L. H. DENSLEY (Southern): I support the Bill but should like to point out briefly that during the previous Government I suppose more was done for the working man in the matter of safety, pensions, hospitalization and all aspects of employment than ever was done before in the history of South Australia. Having listened to the last honourable member, I felt it was desirable to remind him of that. We were alive to these matters during the administration of the Playford Government. I will not go into details about it, because a long speech is not needed now, but I do commend the work done over the last 30 years by a Liberal Government for the welfare of the workers of this State.

The Hon. D. H. L. Banfield: And it took it 30 years to do it!

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): First, let me say how much I appreciate the co-operation of honourable members in dealing with this Bill and reaching this stage so expeditiously. There are several things to which I should reply. With all due respect to the last speaker, I cannot agree with his submission that so much was done by the previous Government for the worker. Never before has so much been done for the worker—

The Hon. R. C. DeGaris: Can you mention any period when more has been done?

The Hon. A. F. KNEEBONE: More has been done in the last two years than in the previous 30 years. I know that honourable members here do not agree with that, with the exception of the other members of my Party in this Chamber, but we have had so much to do in bringing industrial legislation up to proper standards that we have not been able to introduce all we intended to.

The Hon. D. H. L. Banfield: Was there any industrial legislation in 1961?

The Hon. A. F. KNEEBONE: One thing that we have improved, and that we have been attempting to improve since 1924, is the Workmen's Compensation Act. I know that because of its association with my family: my father tried to introduce something in the 1924 Parliament and I was successful in introducing it here in the last two years. Honourable members can work out for themselves how long that has taken. However, I do not want to get on to that point now. I do not agree with what the previous speaker said on this.

I agree with the Hon. Mr. Rowe when he says that education is a great thing in providing for industrial safety, whether in the factory or on the building. During the time he was Minister, he introduced some measures for education in that direction. I say here and now that I agree with what he did in that respect. I have continued to enable the department to promote industrial safety conferences and courses of instruction for supervisors and other people engaged in safety in industry. They have continued and will continue. There have been two annual safety conferences that have been held since we came to office. More people attended on the last occasion when one was held. I was pleased that it was attended by people on both sides of industry, and particularly at the night sessions, when those employees who were not given time off by their employers attended. The place where the conference was held was packed.

We have tackled the matter of education and we are now providing in this Bill that, in addition to education, people will be encouraged to take safety precautions. If people do not take the necessary precautions they must take the consequences. This is nothing new: it is provided in all types of legislation. There is no compulsion in this; if people do not want to observe the law, they must pay the fine. The last financial year was the first year when there was a drop in the number of accidents registered with the Department of Labour and Industry since statistics were recorded, so this Government has achieved a greater improvement in safety precautions than any Government before it.

We hear statements that there should be public relations officers in industry who are of the right type and who can talk to employees and sort out their personal and industrial problems. The Government cannot do this: it is up to the employer. He employs public relations officers in his factory and, if he does not employ the right type of person and people are frustrated or accidents happen, this is not the Government's fault: it is the fault of the employer.

The Hon. Mr. Hart said that there was other legislation in greater need of being brought up to date than this legislation. The Government knows that and it is working as hard as possible to bring legislation up to date. The Hon. Mr. Hart's statement is not a great compliment to the previous Government and it is not in line with the remarks of the Hon. Mr. Densley. The Hon. Mr. Hart did not mention the number of Bills that needed bringing up to date.

The Hon. R. C. DeGaris: There are a few Acts only about nine months' old that need bringing up to date.

The Hon. A. F. KNEEBONE: This is said to be a House of Review and it looked at those measures. It has been said that it is a concession to the employee to protect him from being required to climb an unsafe structure if such a course could cause his death, but the employer must rectify the defect so that the employee is not killed. I grant that there is a concession: it is that the employee's life is protected from unwarranted dangers. In referring to this matter, the Hon. Mr. Hart said that the matter of danger should be tied to a certain height. However, this Bill also covers shoring-up of excavations. If a height is to be fixed, what about the employee who was trapped in the Reserve Bank building excavation and the people who were trapped in a trench that caved in? These people would not receive any protection unless we made provision for them. The Hon. Mr. Hart said that there would be a lot of safety supervisors; the Bill provides that there should be one or more on each site.

The Hon. Mr. Hart also said that it was impracticable for a copy of the Act and regulations to be displayed to employees because he believed that there was no place on building sites for such a copy to be displayed. This indicates the honourable member's thoughts on what amenities should be provided on a building site. Surely there should be some protection from the elements for the employee on a working site during the lunch or tea break. It is no argument to say that the employer does not have his office on the site. Also, the principal place of business of some contractors working in this State is Melbourne, so if an employee wanted to see a copy of the Act he would have to go to Melbourne. Again, the principal place of business of some contractors is the United States of America, so an employee would have to go to that country. I point out to the Hon. Mr. Hart that the rigger is not the man who does the scaffolding under this Bill because clause 13 (1) makes a specific exclusion, "(not being scaffolding)".

Regarding the contention that there should not be a provision to enable the police to go on a site, members should realize the dangers our inspectors face when approaching some people in the building industry; I am referring to inspectors employed in the Department of Labour and Industry not only in connection

with building inspections but in connection with any other type of inspection. I wish that members knew the sort of rebuffs that inspectors receive when they are only doing their duty; some people tear up the inspectors' notebooks or punch or threaten them when the inspectors go to a site in the course of their duties. If there is no protection for an inspector, it is coming to a pretty bad pass. Surely we have reached the stage now when we should look after these people. If we did not control this matter, we would be going back to the dim ages when structures like the pyramids cost thousands and thousands of lives, and we do not want to go back to that situation when a life was counted as worth nothing.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

[*Sitting suspended from* 5.52 *to* 7.30 *p.m.*]

COMMONWEALTH POWERS (TRADE PRACTICES) BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3754.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The purpose of this Bill is to refer to the Commonwealth certain matters relating to and arising from restrictions in trade and commerce. Two matters must be decided. The first is whether restrictive trade practices legislation is preferred to present price control legislation. Secondly, from a decision on that point we must decide whether the implementation of restrictive trade practice legislation should be at State level or whether the powers should be referred to the Commonwealth Parliament.

In this Council for many years the decision has been in favour of price control. As every honourable member knows this has been debated vigorously. Price control legislation operates on a yearly basis; it must be renewed each year. On the same grounds, it is a reasonable assumption that those who have opposed price control for many years would prefer restrictive trade practice legislation, and that is my personal reaction. I think, from a Liberal point of view, that restrictive trade practice legislation (which is designed to maintain competition within the economy) is preferable to a system of price control. It appears obvious that in the implementation of restrictive trade practice legislation the necessary machinery would be a complicated matter. On the other hand, such complicated machinery is not necessary when implementing price control. Under our present price control legislation certain matters are dealt with on a restrictive trade practice basis. Already some legislation deals with some restrictive trade practices. A study of the 1965 Commonwealth Act reveals that complementary State legislation is expected. Section 8 of the Commonwealth Act refers to the need to have such complementary legislation, but, as far as I know, such legislation has not yet been passed by any of the States.

The Hon. A. J. Shard: Tasmania has passed the legislation, I think.

The Hon. R. C. DeGARIS: I would correct the Chief Secretary; the Tasmanian Parliament has passed a reference of power to the Commonwealth as opposed to the concept of complementary legislation at a State level, and that poses certain questions. Why has there been no complementary legislation at State level? Does it indicate some difficulty in drafting? Does it mean that the States are concerned about setting up a duplicate jurisdiction (if that is the correct word), or does it indicate a lack of enthusiasm at State level for this type of legislation? Or, does it mean that complementary legislation is unworkable at the State level?

This Council is faced with the great responsibility of arriving at decisions, the first being whether restrictive trade practice legislation is viewed with favour as opposed to existing price control legislation and the second whether restrictive trade practice legislation should be introduced at State level or whether the powers should be referred to the Commonwealth.

The next point concerns the revocation of the powers so referred. I refer first to a book *Legislative Executive and Judicial Powers in Australia* by Dr. W. Anstey Wynes. On page 221 of that book he said:

A reference once made would clearly be revocable until acted upon by the Commonwealth, but not afterwards, since an Act passed in accordance with this paragraph becomes binding in respect of the referring or adopting State as a law of the Commonwealth to which supremacy and binding force are attached by section 109 of clause V of the covering clauses of the Constitution. But the subject referred does not become an exclusive power of the Commonwealth, so that the State concerned still retains its concurrent power, subject, of course, to the operation of section 109. Upon the repeal or expiration of the Commonwealth legislation the reference could clearly be withdrawn.

The author then proceeded to deal with an analogy with the provisions in the British North America Act. Further on Dr. Wynes said:

Two questions remain. Can a State make a reference irrevocable, either absolutely or for a fixed period? And is it competent to a State to refer exclusive power in respect of a matter to the Commonwealth? In the second case the result would be that the State would be depriving itself of all power in respect of the particular matter, whether the Commonwealth acted or not, but the answer to this would be that such a reference of exclusive power could still be revoked at any time before Commonwealth action or upon the expiration or repeal of Commonwealth legislation. This *reductio ad absurdum* seems in itself enough to dispose of this question and the view of Webb J. in *Graham v. Paterson* that it was not intended to give a State Parliament power to refer matters irrevocably to the Commonwealth Parliament to be exercised by the latter exclusively is undoubtedly correct.

As can be seen from these quotations, some doubt has been expressed on the question of the revocation of a power referred to the Commonwealth. In support of this question of power of revocation, the Minister in his second reading explanation referred to the case of the *Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania,* and said:

. . . the High Court held that the time limitation in the Tasmanian Act referring the matter of air transport for a period terminable in the same way as expressed in this Bill was a valid reference, and that an Act which refers a matter for a time which is specified or which may depend on a future event, even if that event involves the will of the State Governor in Council and consists in the fixing of a date by proclamation, was within the description of a reference in paragraph (xxxvii) of section 51 of the Constitution.

The point to be understood is that the High Court held that the reference of powers to the Commonwealth was a valid reference where there was a terminating period, but that there has been no High Court decision about whether this power can be repealed or revoked at a State level. The judgment of the High Court sets a precedent but we must also realize that the High Court has taken different views of matters as time has gone on. We cannot guarantee absolutely that the view of the High Court will remain unchanged. Further, once a power has been referred, no-one can guarantee that the Commonwealth legislation will remain unchanged in future. Clause 4 provides:

The Governor may at any time, by proclamation, fix a day as the day on which the reference by section 2 of this Act shall terminate.

I consider that that provision means that the Governor may, as soon as this measure is passed, proclaim any date in the future. It may be proclaimed that the terminating date shall be in 1970, 1980, 1990 or whatever the Governor considers to be the correct time. I have already said that there is doubt about the ability of a State to repeal or revoke a power that has been referred to the Commonwealth. However, I do not consider myself capable of dealing at length with that matter and I hope that honourable members who have a greater legal knowledge than I have will refer to it in more detail. This Council should be certain that a definite terminating date is provided in clause 4.

The Hon. S. C. Bevan: A terminating date could not be set at this stage.

The Hon. R. C. DeGARIS: I have already cast certain doubts about the matter. We have no guarantee about what terminating date the Governor may proclaim, and that is what concerns me. On the other hand, the Tasmanian Act has fixed the terminating date as December 31, 1972. A proclamation may be made that our Act is to terminate at December 31, 2067!

The Hon. A. J. Shard: We won't be here then!

The Hon. R. C. DeGARIS: No, and that is what worries me. Someone else who has not the same gentle approach as the Chief Secretary may be in his position. As clause 4 is drawn, the Governor can proclaim any date in the future and that matter ties in with the argument I have advanced regarding repeal and revocation. In the *Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania* it was pointed out that the termination was by proclamation and that the Governor could proclaim any date in the future. That is similar to the provision in this Bill. However, the Tasmanian Act regarding the reference of powers in connection with trade practices, the Commonwealth Powers (Trade Practices) Act, which was recently passed by the Tasmanian Parliament, provides for a reference for a period terminating definitely on December 31, 1972. I consider that the drafting of that Act is significant and I shall be moving amendments to our Bill to provide for a termination date.

The second point with which I wish to deal seems to be common sense. Reference has been made in the Council today to the rising costs that we in South Australia are facing and I think honourable members have constantly been warning the Government that South

Australia has to compete with two other States in particular. I refer to Victoria and N.S.W. We must realize that 80 per cent of our manufactured goods are transported to the eastern seaboard, and for us to be able to manufacture here and sell on the markets in the Eastern States our costs must be somewhat lower than the costs in those States.

I believe that, if we are foolish enough to allow this legislation to be passed without knowing that both Victoria and New South Wales are going to pass similar legislation, we will be placing this State at a disadvantage in competing for new industries. I could deal with this matter at length. Any honourable member prepared to think around these issues would realize that what I am saying is true. Capital is a very shy bird. Other countries of the world and other States are attempting to attract oversea capital, and we in this State are trying to do likewise, although a pamphlet circulating in my district from the Labor Party seems to object to this.

Be that as it may, in order to continue our growth and development in South Australia we must be in a competitive frame of mind and be on a competitive basis with Victoria and New South Wales. We are faced with having this legislation applicable in South Australia while those two Eastern States could refuse to refer the powers to the Commonwealth.

The Hon. S. C. Bevan: If they did, clause 4 would become operative.

The Hon. R. C. DeGARIS: What I am afraid of is that the South Australian Government may proclaim this legislation without there being any reference of powers by Victoria and New South Wales to the Commonwealth, and if that happened we would find ourselves at a disadvantage in competition with those States. The advantage we once enjoyed in this regard has rapidly been disappearing over the last two years, and we are not in the same attractive position compared with other States as we once were. I do not want to see a further nail driven into the coffin of South Australia's ability to compete.

The Hon. S.. C. Bevan: What you are saying is that restrictive trade practices operating here have given us an advantage over other States.

The Hon. R. C. DeGARIS: No, I do not say that; I think honourable members understand what I mean. As I said before, capital is a shy bird. People may say, "You have restrictive trade practices legislation applying and it might not do us any harm, but we can go to Victoria and be free of all the expense we could be put to as a result of such legislation."

Speaking from a Liberal viewpoint, I think restrictive trade practices legislation is preferable to price control legislation. The only doubt I have concerns the expensive machinery necessary to implement that legislation as opposed to the easy machinery of price control. However, if restrictive trade practices legislation is applicable to South Australia and not to the Eastern States, this State will be placed in a disadvantageous position compared with those States in competing for capital, and on that score I propose an amendment that does not in any way prevent a proclamation from being made. However, it will mean that the Governor must be sure when that proclamation is made that each of the other States of Australia has passed similar legislation, and he must be satisfied that that legislation will be in force on the day fixed for the coming into operation of this Act.

I believe this is a very necessary safeguard in the legislation. That amendment could be drafted in such a way that no proclamation could be made unless similar legislation was in force in each of the other States. It does not in any way attempt to make the legislation unworkable. I know there are other angles that could be dealt with. For instance, there are highly legal constitutional implications, which I will leave to be dealt with by those better fitted than I. I support the second reading but indicate that I will be moving amendments to two clauses.

The Hon. JESSIE COOPER (Central No. 2): The Bill before us refers certain State powers to the Commonwealth but does so far in excess of what the Commonwealth Government envisaged as complementary State legislation when it passed the Commonwealth Trade Practices Act in 1965. At that time the then Commonwealth Attorney-General did not seek a transfer of State powers. In fact, he said:

There are, of course, limits to the Commonwealth's constitutional powers to enact legislation in this field. The present Bill takes full advantage of such constitutional powers as the Commonwealth does possess, but there will still be a number of practices to which it will not be applicable. It is highly desirable that, so far as possible, there should be one legislative code governing trade practices, irrespective of whether they are subject to the Commonwealth's constitutional powers or only to the power of one or more of the States. Accordingly, the Bill is drawn in such a way that it will be possible for State Parliaments to enact complementary legislation, in which event the administrative machinery provided under

the Commonwealth legislation will be available for the purpose of the complementary State legislation.

In other words, the Commonwealth Attorney-General said that the States could pass legislation that would allow them to work with the Commonwealth; the transference of complete power to the Commonwealth was not sought.

The Hon. R. A. Geddes: Is this Sir Garfield Barwick's Bill?

The Hon. JESSIE COOPER: No, it is the 1965 Bill. The Bill before us, however, goes the whole way (nothing complementary about it at all) by handing over State authority to the Commonwealth Government for an unspecified time: it may be for years or it may be for ever, in the words of an old Victorian drawing room ballad.

What we must remember is that no legal decision has yet been made in Australia by any competent authority on whether powers once or allegedly temporarily transferred to the Commonwealth may revert to the State by the State's action. I say that notwithstanding the opinions of some legal men. This Bill proposes that the powers may be referred to the Commonwealth by Act of Parliament, but may be allegedly reverted to the State by act of the Governor at any time, that is to say, by the Government of the day, without any reference to the Parliament of the State. This would leave it in the power of the Government of the State to bargain with the Commonwealth over what would or would not be introduced in the form of legislation without the State Parliament having any say in the matter or, indeed, without the State Parliament having any knowledge of the matter or being able to debate it.

This is a most undesirable and dangerous aspect of the Bill. It would give the Cabinet of the day the right to terminate its agreement with the Commonwealth at any time without reference to its own Parliament. It would seem to be an impossible situation for the Commonwealth in which to make laws if, on any occasion when a State Government disliked some minor action in the preparation of laws, it could withdraw its original transfer of powers at a moment's notice. One can see that this would possibly put some State in a position of being able to introduce pressure tactics against the Commonwealth; I repeat, this is a dangerous aspect of the Bill. In any case, I would not dream of giving, in any circumstances, this power to the Commonwealth to extend its control in any one State, unless other States had passed similar provisions. Nothing exists in this Bill to ensure that it should only be operative if and when the other States are prepared also to transfer similar powers. I shall support the amendment foreshadowed by the Hon. Mr. DeGaris.

Earlier, I said the reference of powers is far wider than is necessary for the purposes of the Commonwealth Trade Practices Act. It would seem to be a subterfuge to transfer to the Commonwealth powers virtually over all business activities. Although under clause 3 the reference is made specifically to cover the necessary powers required for the effective application of the Commonwealth Trade Practices Act, the same clause is at pains to state that it does not limit the powers of the generalities of clause 2. A superficial viewing of clause 2 discloses that this paragraph would appear to be included in order to control monopolies, or those persons or organizations that have a larger share than normal, or an overpowering share, in any field of business. However, on closer examination, it will be seen that it gives power to make laws, to make rules, or to have restrictive controls in relation to almost any combination of persons banded together by an interest, albeit a small one, in any portion of trade or commerce. This section would give unlimited powers over trade or commercial associations or business combinations, in a much wider sphere than is visualized under the Commonwealth Trade Practices Act.

No more power should be transferred to the Commonwealth in this type of concept beyond that essential to the functioning of that Act. What seems to be a simple Bill at first is far removed from the realm of sweetness and light. It gives power which, if a Labor Government should come into power in the Commonwealth sphere, would enable that Government to carry out the Labor Party's heart's desire of controlling all combinations of people engaged in production, distribution and exchange. We know that it is the Labor Party's policy to centralize as much power as possible in the Commonwealth, to reduce the powers of State Parliaments and, in another field, to suppress at every opportunity the operation of private industry, in favour of undemocratic Socialism.

I have heard it said in support of the Bill that the Commonwealth is now in doubt that complementary legislation would be satisfactory, and that perhaps transfer of powers by the State would be necessary. I have been

unable to discover anywhere that the Commonwealth has requested the States to act in this way. Until the States have received such a request I shall look upon any attempt by the State Labor Party to build up powers in the Commonwealth sphere as a further attempt to introduce undemocratic Socialism into Australia by the back door.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

GARDEN PRODUCE (REGULATION OF DELIVERY) BILL.

Adjourned debate on second reading.

(Continued from March 15. Page 3706.)

The Hon. L. H. DENSLEY (Southern): This small Bill has wide ramifications, and clause 3 is the most important one. The usual practice at the East End Market was to start at 4 a.m. when produce could be received into the market, and prior to 7 a.m. valuations were made and prices determined for the produce for that day; after 7 a.m. delivery could be given. Nothing could stop anyone buying before 7 a.m., but the goods they had purchased could not be delivered or taken away.

Not so many years ago, particularly in the motor car industry, there would be one garage in a town (many towns were without a garage) and people could go into that town, build up a garage business and become prosperous. If, when the business developed, they tried to stop others coming into that type of business, this House would not introduce a Bill to provide these conditions. This Bill is similar to that. There are in the market gardening industry many New Australians prepared to come as early as two o'clock in the morning to unload their produce, whether it be vegetables or fruit, and to wait until the delivery time. It has caused chaotic conditions in the market, so one can understand the managers of the East End Market being in some trouble in this regard.

Commonly, we find many trucks and vans at the market—in fact, complete congestion of that area. This Bill will, of course, intensify that congestion. Obviously, that aspect has not worried those who framed this Bill, from the way it is drawn. If we specify a limit of 25 miles radius from the General Post Office with the market being the delivery point, it will make the position of many market gardeners even more difficult. We realize that the East End Market, although valuable property, could not be sold at anything like the land tax value at which it is assessed. Consequently, if this Bill is passed, we shall be faced with the land tax assessments on those properties. They are not suitable for subdivision at the price at which they are valued. Therefore, we must examine this position carefully.

Mr. Acting President, you yourself will appreciate that something like this, though not so restrictive, was done in respect of oranges: we could buy oranges only from certain people and sell them at certain prices. We do not want that to creep into our East End Market. This may be a typical control Bill which will affect the fruitgrowers and market gardeners greatly. We know of many industrious people, many of them New Australians, who are prepared to work long hours. That, of course, is their business. Personally, I think that if they work these long hours it would be better, as they pay high prices for their properties, for them to bring in their produce in the very early hours of the morning and get away as soon as they can. I do not intend at this stage to oppose the Bill but I see in it many difficulties. Although it may help to regulate the hours of labour involved in the growing of fruit and vegetables, it does not take account of the high prices paid for much of that land.

If a survey was made of the Adelaide Hills, from which much of this produce comes, we would find it would be more economical in some ways for the growers to move out to Salisbury, where the price of land is not so great. I regard the Bill with suspicion and distaste. An important point is the land tax valuation, which is higher than the price at which this land could be sold. The fact that it applies to most properties only makes the position more unstable, so we must be prepared to protect the position at the outset. At this stage I do not oppose the Bill but shall be interested to hear further discussion of it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Prescribed area."

The Hon. C. M. HILL: I move:

In subclause (1) to strike out "twenty-five miles from the General Post Office" and insert in lieu thereof "half a mile from the intersection of the southern boundary of Rundle Street and the western boundary of East Terrace".

The purpose of the amendment is to try to limit the area in which this restriction or control can be applied. I asked for some further explanation of the matter during my second

reading speech, and I believe other honourable members mentioned it, too. The point is still unanswered.

The Hon. S. C. Bevan: It won't be for long.

The Hon. C. M. HILL: I want to know why this quite large area is intended to be controlled in this manner when it is admitted that the problem lies in and around the East End Market area. I agree there is a problem there and a need for a regulation of this kind in that vicinity. It is being fair if one allows a territory within half a mile radius of a central point taken at the East End Market.

I have that point as being the intersection, in effect, of Rundle Street and East Terrace. We take a radius from there of half a mile in that area as the place where all this trouble is occurring when, for some reason or other, the Government wants to cast its net to cover the whole metropolitan area by a 25 miles radius from the G.P.O. which, of course, brings in the area of the Central Market, a retail market, but nevertheless a place at which the retailers buy from the wholesalers. I am sure that many of the stallholders in that market do not want to see this type of control there, nor will the public want to see it there because it will prevent some fresh fruit and vegetables from being offered in that market on the same day that they can be bought very early in the morning from wholesalers.

That is only one facet of this matter: there is also the possibility of restricting trade in other parts of our suburbs. I cannot see why, if a big operator such as a supermarket or a chainstore agrees to purchase and take delivery of a semi-trailer load of fruit and vegetables that arrives from Mildura, Perth or a country area of this State, it cannot take delivery of these goods in an outer suburban allotment.

The Hon. R. A. Geddes: That will not be stopped, will it?

The Hon. C. M. HILL: It can be stopped under this measure because the Minister can pass a regulation that a vehicle cannot be unloaded before noon, and that vehicle might arrive before dawn or before 7 a.m.

The Hon. Sir Norman Jude: Would that not be a restrictive trade practice?

The Hon. C. M. HILL: I think it would. I cannot see why we need to worry about this possibility when the Minister says (and we are on common ground) that the trouble is all down in the East End Market. The purpose of my amendment is simply to limit this regulatory power to the trouble spot as disclosed by the Minister, and we are in complete agreement concerning the location of that trouble spot.

The Hon. L. R. HART: I support the amendment and I believe that it is very generous indeed. We should look at the Minister's second reading explanation; he said:

> In recent years regular purchasers of market produce by wholesale have been operating just outside the prescribed East End Market area and are therefore not regulated by the by-laws made by the two market companies.

If this is the problem, how does this Bill set out to rectify it? Indeed, this Bill sets out to do much more than rectify this problem that the Minister says exists in the immediate precincts of the market. From the information I can gather, I believe that wholesale selling just outside the market area does not constitute a great problem and, indeed, most of the producers who operate in the market are quite happy with the present situation. This Bill stipulates the time during which delivery will be given from the market area. Prior to recent times there was a period during which goods could be delivered; however, in recent times a certain amount of marketing had occurred outside the market area. Recently, delivery has been given from inside the market area prior to this recognized time which, I believe, is about 7 a.m. This practice is convenient in many ways for the producers who are wholesaling in the market.

It is also convenient for the purchasers of wholesale produce because they can visit the market area, make their purchases perhaps at 5 a.m., take delivery and be on their way home again. In this way there is a continuous movement of produce into and out of the market area over a period of three or four hours. If this time is to be regulated, it will mean that deliveries cannot be given before the specified time which, I understand, will possibly be 7 a.m. The situation will arise of a number of purchasers making their contracts to purchase prior to 7 a.m. and having to wait until that time to take delivery. Congestion will be caused because everyone will be trying to obtain delivery at the same time.

Consider the position of a grower who comes into the market with a number of lines of produce for which he has a number of buyers; they have contracted to purchase these lines prior to 7 a.m. but they will under this Bill be required to wait until that time to gain delivery. The wholesale grower will be

expected to give delivery at 7 a.m. to perhaps 40 or 50 different purchasers from his truck. What possible hope has he of satisfying these purchasers in a short period? They will all want to obtain delivery at once and be on their way. What will happen, of course, is that many of these purchasers will start helping themselves and the grower will not know whether they are taking the amount that they contracted to buy or a little in excess of that amount. So, from the growers' viewpoint, the position will be completely hopeless. It has been said that the purpose of this Bill is to prevent delivery to chainstore depots.

The Hon. S. C. Bevan: Who said that?

The Hon. L. R. HART: It has been said during the debate on this Bill. I did not say that the Minister said it. Possibly this is one of the purposes of this Bill: this is what worries me considerably. It has also been stated that the people who sell to the chainstores sell at a cut price that is lower than the market price.

The Hon. H. K. Kemp: They do not sell: the chainstores buy.

The Hon. L. R. HART: This is not entirely true. They may sell at a lower price in some instances. They are selling a lower quality article. We all know that the grower has the problems of the weather to contend with, and he may have a line of wind-affected produce for which he is prepared to take a lower price if he can find a purchaser who is prepared to take a bulk quantity. Why should he be prevented from selling to this purchaser? The Minister will say he is not prevented: he will say that he can still sell, but he will have to sell within the prescribed hours. However, I believe that the prescribed hours will be such that it will not suit the convenience of the grower.

It must also be remembered that we are dealing with perishable products which must be disposed of within a short time. The purpose of this Bill is to force this product through the market. Obviously the grower will receive a reduced price wherever he sells it—through the chainstores or through the market. I am somewhat suspicious of this Bill. I believe that it sets out to do more than cure an ill that exists in the East End Market area. I consider the Government ill-advised to introduce the Bill in its present form. I support the amendment.

The Hon. H. K. KEMP: I am grieved to hear people who are so ignorant of the conditions in the East End Market speaking at length on the subject. The structure of the market and its whole workings are being badly damaged today. The whole stability of the market depends on a realization of the supplies that will come in and what the demand will be. The market has been one of the most efficient produce markets in the British Empire. I plead with honourable members to pass this Bill without amendment. The whole purpose of the measure is to re-establish the trading conditions that obtained in the market up to two years ago. Since that time the conditions have been broken down, largely by the people who have asked for this legislation.

We in South Australia must learn to live with the changing conditions regarding the operation of chain stores and the large retail outlets. This Bill is an attempt not to put the clock back but to get back into the East End Market a discipline and sense of fair play that have gone by the board in a period of about two years. People are using the market and its prices and structure without being prepared to abide by the rules. There has been a complete flouting of the rules but at the same time a taking of every advantage that the market can bring. Many people engaged in a competitive industry that works on a small margin depend on the East End Market and its operations, and this Bill is an attempt to give a fair deal to those people.

The Hon. L. H. DENSLEY: I support the amendment. The Hon. Mr. Kemp has dealt with the reasons for the present position. There are two reasons why this can happen. The first is a desire to direct all produce through the market and collect the revenue therefrom and the second concerns the matter of labour. I am sure that the congestion could be reduced if a longer selling period were arranged. If the board of directors has let matters get out of hand, surely it is within the powers of those who elect the board to select people who will take stronger action. I consider that to bring in the suggested hour would be to create hardship and I regard the proposal as unwise.

The Hon. S. C. BEVAN (Minister of Local Government): I shall refrain from saying what I intended to say. The Hon. Mr. Hill knows the purport of the legislation as well as anyone else knows it. A committee of the East End Market companies is examining whether the market will remain in its present position or whether it should be located on another site. A site at Modbury, Elizabeth or somewhere else may be selected. The Hon.

Mr. Hill knows that, yet he has drawn a red herring across the trail by referring to the retail market in Grote Street. I shall not elaborate other than to say that all the grower organizations went to the Minister and requested this legislation. Statements that the Government has been ill-advised about bringing this legislation down show the ignorance of an honourable member who speaks without a knowledge of the facts.

The Hon. L. H. DENSLEY: The Minister has given a short reply and has mentioned Modbury. If he had gone on, he could have mentioned who owns the block of land and wants it used as a market. If the Minister had attended the East End Market as often as I have, he would know how the congestion has arisen.

Amendment negatived; clause passed.

Remaining clauses (5 to 7) and title passed.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3745.)

The Hon. C. D. ROWE (Midland): We have been privileged in this generation in South Australia to live during a period when the State made tremendous industrial progress, and when most people, instead of being employed in primary industries, were employed in secondary industries. During that period the Government of the day, by wise legislation and competent management, played an important part in that great development. That is common knowledge among most people in the community. During that period the State had a record increase in population and a record number of migrants in relation to population and, notwithstanding this change in our activities, at all times there was industrial peace and freedom from industrial unrest, which was a most important factor in the community. Our legislation served well in that regard, but now we are confronted with several amendments to the Industrial Code. If these amendments are carried they will injure the people they seek to help, and will prove a disadvantage to the economy of the State, for they are too drastic in their operation.

The purpose behind all legislation passed in South Australia since 1920, when the first Industrial Code was introduced, has been to achieve peace in industry and to minimize costly disputes. It has long been recognized that the most effective method of settling disputes is to have parties meet at a conference table to hammer out their differences and, failing agreement, to have them come before an independent arbitrator who has the power to make a decision binding on the parties. This system, which is compulsory arbitration, has existed in Australia for over 50 years and has given this country a record of industrial peace that is envied by all highly-industrialized countries throughout the world. The fundamental principle underlying the operation of this system is that decision-making bodies should have power to compel parties to the dispute to abide by the rulings given, that parties should submit to that body for settlement of disputes, and that they should not take the matter into their own hands and attempt to coerce either party to submit to the other's demands. The forms of action taken are strikes by employees and lockouts by employers.

Now the Labor Party introduces a Bill seeking the repeal of the existing prohibition of strikes and lockouts in the Industrial Code, and this is striking at the very roots of the arbitration system. The prohibition in the Act is the strongest deterrent to industrial strife that Parliament can impose within the bounds of the present system. Similar legislation to that at present existing in South Australia has been passed in all States of the Commonwealth except Victoria, where the only recourse open to employers is to claim damages in a civil action for loss suffered as a result of strikes by employees. This procedure has been found to be costly and time-consuming, involving individual members of trade unions, and that is most unsatisfactory. The result is that labour relations in Victoria are worse than they are in any other State of the Commonwealth. There are more stoppages and working days lost in that State than in any other State. The latest figures I have been able to obtain appear in the 1966 *Commonwealth Year Book*. In South Australia, in 1965, working days lost because of industrial unrest totalled 26,379, whereas in Victoria they totalled 214,300.

The Hon. A. F. Kneebone: Can you break this down for those under Commonwealth and State awards?

The Hon. C. D. ROWE: No, I cannot. After comparing the total work force in each State, one can see that South Australia suffered less than one-ninth the extent that Victoria suffered, showing that the system operating here has achieved far more satisfactory results than those in Victoria, yet we are trying to emulate Victoria's legislation today. Section

104 of the existing legislation prohibits picketing, and if this section is repealed a union official will be able to hold up work with impunity. He will therefore have tremendous power to disrupt industry. This power should not be in the hands of any person other than the recognized responsible body properly authorized to settle disputes. I am not prepared to support legislation that will place in jeopardy the whole of our industrial public relations in this State at present, at the whim of one particular individual.

It has become the practice to include in all Commonwealth awards a clause banning strikes and lockouts. In fact, the Commonwealth Industrial Court recognized the need for such clauses in 1957, when in the Amalgamated Engineering Union case the court held that, notwithstanding that a log of claims made no claim for the insertion in an award of a clause forbidding bans, limitations or restrictions on the performance of work, the insertion of such a clause was within the powers of the Conciliation Commissioner as being to protect the award and promote efficiency. A further important aspect of the proposed amendment is that certain right wing unions will be without the protection given them by the Act against militant and Communist unions not prepared to submit to arbitration. The right wing unions may well experience difficulty in controlling such factions, which would be to the detriment of both unions and industry generally as well. I do not want to say any more with regard to the clause relating to strikes and lockouts. The evidence as between South Australia and Victoria is that the power we place in the hands of an individual union, if the power to have strikes and lockouts is made legal, will work to the detriment of the people in industry in South Australia.

A second far-reaching amendment proposed is that preference of employment is given to unionists. This is, in effect, asking for compulsory unionism. A similar provision has recently been held to be invalid in Queensland after 50 years. In view of that, I am surprised that the Government Bill is submitted with this provision in it. The Commonwealth Act provides for preference to unionists in a most restricted form but, in any event, the fact that no common rule exists in awards made by the Commonwealth means that the section does not have the obnoxious effect that it would have if it was included in the State Act. The inclusion of this provision in the Act will cause industrial strife. It denies the right of a non-unionist to obtain employment regardless of his ability as a worker compared with that of a union member. All trade unions have rules as to the qualification of workers for membership of the union, and certain cases will arise where a tradesman will be denied union membership through not being able to comply with union rules. The union is able to fix its own rules and is not controlled in that regard in any way.

It may, therefore, be that a worker will be denied membership on the grounds of race, colour or creed, and this of course could lead to extreme injustice. In particular, migrants and interstate workers may be denied membership for one reason or another. The effects of such a situation are most grievous, since it is vital to the progress of South Australia that skilled tradesmen be admitted to the State and employed. The freedom of an individual worker to decide for himself whether or not he wishes to join a union is completely disregarded in this proposed amendment. In December, 1965 (the latest figures I have been able to obtain), only 50.1 per cent of the work force in South Australia belonged to trade unions.

The Hon. A. F. Kneebone: Would that be correct?

The Hon. C. D. ROWE: That is the figure I have. This will mean, therefore, that a great body of men will be forced overnight and without any reference to their wishes to join one union or another. It would seem that the only benefit will accrue to the trade unions, whose revenue will increase to approximately double the existing figure. There is at present in the Act a well-known provision barring an employer from discriminating against a union member. It is difficult to imagine that the trade unionist should require any further protection than is given by that section. The Government has argued that the awards are obtained by the unions and at their expense. However, the same applies to awards gained by employers. Such awards are gained at the expense of individual employers, and there are many who take advantage of the award without going to any expense. This is the way the system operates and there is no sound reason why it should be altered.

A very odd fact about this proposed legislation is that no provision is included for the registration of all trade unions. It is totally inconsistent that all trade unions should not be compelled to be registered. The unions are, on the one hand, calling for greater recognition and, on the other, failing to comply with what should be a reasonable requirement. The great

danger of the proposal is that an employer may find himself in the position where he has to dismiss a loyal employee of long service and has in his place to employ a union member. The employer may have to choose a less efficient worker where a more efficient non-union worker is available. Such a situation is quite intolerable.

A further amendment seeks to increase the recovery period in wages claims from 12 months to six years. It would appear just and equitable that a worker with a proper claim should have the same period of time within which to make a claim as any other person with a normal claim in the civil courts. However, it is quite impracticable for companies to keep records of all their employees for a period of six years. For example, in the building trade there is a staggering turnover of labour in a 12 months' period. If this amendment is passed, it will mean that companies in that trade will have to keep six times the present number of records. The employee at the present time has several safeguards to his position. First, there are the trade union officials, who are constantly on the alert for any below-award payment.

The Hon. D. H. L. Banfield: But he may not be a member of a union.

The Hon. A. F. Kneebone: How about the 50 per cent who are not members?

The Hon. C. D. ROWE: No doubt, they have their own reasons for not being members. They should not be forced to be members; they still have other rights to assist them. Then there are factory inspectors and job inspectors, who are constantly travelling about amongst workers and are a ready reference for any difficulties and problems that the worker may have in regard to pay or any other matter. Such safeguards should provide sufficient assurance to the worker that he is receiving his proper wage.

The Hon. D. H. L. Banfield: Why should they not have the same safeguards as the man who is owing a debt?

The Hon. C. D. ROWE: I think as a matter of practice they are the same safeguards. It frequently happens that by the very nature of a transaction it will take a man six years to decide whether or not it is a good claim; but the employee has everything at his disposal: he has the award, and 12 months is adequate time in which to decide the amount he should have.

The Hon. D. H. L. Banfield: He may have been employed for five years under the award rate; he is still with the same employer, and he cannot claim for more than 12 months.

The Hon. C. D. ROWE: It is his business to find out.

The Hon. D. H. L. Banfield: Of course, and it is the employer's business also to know to what he is entitled.

The Hon. C. D. ROWE: The number of cases in which a man has not found out what his wages are within 12 months is very small indeed.

The Hon. D. H. L. Banfield: On the other hand, he is being blackmailed by the employee.

The Hon. C. D. ROWE: I am not in favour of that.

The Hon. D. H. L. Banfield: That is what happens.

The Hon. C. D. ROWE: I have always been of the opinion that man is entitled to his rights.

The Hon. D. H. L. Banfield: So are we.

The Hon. C. D. ROWE: Section 132c (8) provides that an employee should have the same rights of recovery of wages as an employer. This may well mean that an employee who has been overpaid may find himself in a position of extreme hardship. If at a later date a substantial claim is made for the recovery of wages by the employer, such hardship would strike more heavily at the employee than at the employer. This must be considered. So, in point of fact, as I pointed out in my opening remarks, it may be that this Bill will damage the people whom it professes to help.

A further difficulty associated with the introduction of this section would be the confusion that would arise between those workers covered by awards made under the Commonwealth Conciliation and Arbitration Act and those workers covered under the State Act. At present (and I think these figures are somewhere about the mark), 70 per cent of all workers covered in South Australia come under Commonwealth awards and 30 per cent under State awards. The introduction of this section would mean, therefore, that only the 30 per cent would have the right of recovery beyond the period of 12 months. I believe that the legislation would be useless: it would create confusion and misunderstanding and work against the interests of the worker because he would be confused as to whether the period of recovery of his wages was 12 months or six years.

The Hon. D. H. L. Banfield: Is that a reason why he should be got at?

The Hon. C. D. ROWE: I do not think anybody should be got at, and I do not support any legislation which provides that people should be got at. It is important that legislation be uniform and that confusion be not created in employees' minds. The employer would be in a hopeless position.

The Hon. A. F. Kneebone: You accept that conditions here should be lower than those in the other States.

The Hon. C. D. ROWE: I think that costs should be lower in this State and, if they are lower, obviously there must be some differential in wages. This fact is something this Government still has to learn. At present costs in this State are approaching those in other States, and we are starting to lose industry to other States. I know that this concerns the Government and people in industry. The employer does not want to move to other States but unfortunately some of the legislation that this Government is introducing is creating that situation and making it difficult for industry to carry on in this State. I had something to say on this matter in connection with another Bill this afternoon, and I repeat it because it is something that the Government and everybody else should understand: we must maintain such a level of costs that we are able to provide jobs for people leaving our schools and colleges. What is the good of having super-efficient conditions for all kinds of work if, in fact, there is no work for people to do? That will happen if this Bill becomes law.

The final proposed amendment prohibits the employer from making a deduction from wages in respect of any time during which the employee is absent from his employment for the purpose of attending meetings of conciliation committees of which he is a member. At present if an employee is away attending such a meeting a deduction is made from his wages. The amendment provides that in future if the employee is absent in connection with these meetings the employer will still pay his wages. In effect, this proposal calls upon the employer to subsidize the preparation and presentation of a case against him which affects his interests. Such a situation, in normal circumstances, would be quite inconceivable, and there is no reason why an employee should receive wages while acting against the interest of his employer.

The Hon. A. F. Kneebone: The committee could be considering a reduction in wages.

The Hon. C. D. ROWE: Not in most cases. Certain fees are paid to employees who are attending conciliation committee meetings, and it is only proper that this practice should continue. I do not propose to speak any longer on this Bill; there will be opportunities for me to speak further during the Committee stage, if that stage is reached.

Last year the Industrial Code was amended to abolish wages boards and to establish the Industrial Commission. Some members expressed doubts as to whether this was a wise move. I do not propose to assess whether this was wise or not, except to say that the wages boards that we had under the old legislation in South Australia for many years were a quick and effective way of reaching decisions; they were more satisfactory to everyone concerned than this new idea of conciliation committees. As a matter of interest, under the previous Act people who had to attend meetings of wages boards were paid an attendance fee by the Government. I think it was originally $2.10.

The Hon. A. J. Shard: It was $1.50.

The Hon. C. D. ROWE: It may have been; I think that the Minister's recollection would go back further than mine. That fee was paid by the Government of the day, which had money in the Treasury to meet these amounts. At the instance of the then members of the Opposition, a request was made to the then Minister and he agreed that the amount should be increased to $3.15 or $4.20, and we increased the Chairman's fee also.

The Hon. D. H. L. Banfield: It never reached $4.20.

The Hon. C. D. ROWE: That system worked satisfactorily and there was no question as to whether the man had to be absent in the employer's time and at his expense. The situation was looked after by the Government of the day.

The Hon. A. F. Kneebone: They met outside working hours.

The Hon. C. D. ROWE: Yes. They meet during working hours now, and I am informed that there is difficulty sometimes in getting people to go along and to obtain a quorum. Therefore, this amendment represents progress backwards, and this seems to be the kind of progress that we have been making lately. Everybody in South Australia is anxious that our economy will be buoyant, that there will be a job for everybody, that we can attract more industries to this State, and that we will continue to progress as we have done during the last 25 years. I believe that the Government is

acting (whether for altruistic motives or as a result of pressure) in a mistaken manner, and if these things become law, much difficulty will be created in industry. This will definitely lead to more unrest, which is most undesirable, and it will put the clock back further than at present. For those valid reasons, I am not able to support the Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

In Committee.

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

That the Legislative Council do not further insist on its amendment.

I understand that the House of Assembly has considered the amendment made by this Council and has disagreed to it. It is not my intention to detain honourable members, because last week I spoke at length about why I thought the amendment should not be made.

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

To amend the motion by adding the words "but adds the following alternative amendment:

After 'councils' second occurring to insert: but without limiting the generality of the foregoing for empowering any such reserve councils notwithstanding the powers of the Aboriginal Affairs Board to grant with or without conditions or refuse permission for any person or classes of persons to enter or be in or remain upon any Aboriginal institution for and in respect of which such council is constituted and providing that entry into and remaining upon any such institution without the permission or otherwise than in accordance with the permission of such council shall be an offence provided that any regulations made under this paragraph shall provide that any powers granted to reserve councils in pursuance of this paragraph shall be exercised only with the approval of the Minister."

Since the Council made the amendment to the Bill and sent it to another place, we have had certain discussions and I understand my amendment is acceptable to the Council and to the other place. Previously the difficulty in which the Council found itself arose from its desire not to allow reserve councils to have the final decision about who should be permitted to go into any Aboriginal institution. The amendment I have just moved provides that the grant of these powers will be at all times subject to the approval of the Minister. That gives the Minister an over-riding authority.

The Hon. A. J. SHARD: I understand that negotiations have taken place between the Minister and the Hon. Mr. Rowe and, whilst the amendment is not completely in accord with what is desired, it goes a long way and is quite acceptable.

The Hon. C. D. ROWE'S amendment carried; motion as amended carried.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL.

In Committee.

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

That the amendments made by the House of Assembly be agreed to.

I am instructed that these amendments are designed to secure the application of the provisions of the Bill regarding persons on war service to police officers serving overseas as part of the United Nations force: for example, persons serving in Cyprus. Members of our Police Force serve for periods of 12 months in Cyprus and other places and these amendments provide that, in the event of the death of persons so serving, the same advantages will accrue as is the case with ordinary members of the forces. The amendments are reasonable and are acceptable to both Parties in the other place.

Motion carried.

WEIGHTS AND MEASURES BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3757.)

The Hon. Sir NORMAN JUDE (Southern): This is not such a weighty measure as we had been led to expect from a Bill of about 42 pages and about 68 clauses. It may be described as an up-to-date consolidation, repealing about 14 Acts. I thought it was the consolidation of the principal Act of 1934. However, that Act was consolidated in 1936 and was based on an 1880 Act. It is highly desirable that the Act should be brought up to date. One of my colleagues gave a dissertation on sausages without skins, but his remarks pale into insignificance compared with what I wish to say about a racket that is being foisted on the general public concerning the sale of spirits. Clause 68 provides for great powers, and I accept the remarks of authorities on this matter.

I was disgusted when the Royal Commissioner on the Licensing Act said that when he called for an inspection of spirit measures

sold by the fluid ounce, from a 26oz. bottle he obtained 31 measures, and obtained 64 measures using a half ounce measure. I will fully support the Minister if and when he tries to remedy this unsavoury practice. Persons drinking in hotels, and paying for these expensive spirits, are getting up to 20 per cent less than they are paying for. In other circumstances receiving 15oz. of sugar instead of one pound would not be accepted or permitted. Why should it be permitted with liquor? We should insist on a strict policing of measures that are not stamped. I agree with the principles of the Bill to modernize the Act, but I took this opportunity to draw members' attention to a racket in the selling of spirits, of which I do not approve. In the meantime, I support the second reading.

The Hon. S. C. BEVAN (Minister of Local Government): I appreciate the comments of honourable members. This Bill is necessary because the Commonwealth has entered this field and has brought its legislation up to date. This Bill is an improvement on our previous legislation, and will work satisfactorily. I am sure that some remedies for the practice outlined by the Hon. Sir Norman Jude are contained in this legislation. In answer to the Hon. Mr. Gilfillan, the contents of the Bill were discussed with representatives of commercial interests and councils. Concerning the meat trade, most of the goods sold come within clause 49(2): they are weighed in the presence of purchasers. This applies to the goods specifically referred to where they are sold under pre-packaged conditions, and the weight must be marked. All this has to be weighed in front of the customer. Under the Act, the scales must be declared to be and verified as being correct.

The Hon. G. J. Gilfillan: You are referring to the re-weighing of pre-packaged goods in front of the customer?

The Hon. S. C. BEVAN: A question was raised about pre-packaged goods. The definitions of "article" and "package" are necessarily detailed to ensure that the provisions of the Act cannot be avoided. The honourable member has also asked for an explanation of the words "by reason of climatic conditions" in relation to the term "net weight when packed". It is well-known that certain goods, particularly certain types of soap powder, bar soap, etc., may gain or lose moisture after packing. The extent to which this is likely to occur depends upon the climatic conditions existing at the time of packing and also during the time that goods are held for sale.

A considerable amount of research into these matters is being conducted by the various States in connection with the proposed uniform code for the marking of packaged goods. The position is that, if such a package is found to be short in weight and it has not been interfered with, checks will be made at the point of packing. If packages are found to be correct in weight at the time of packing, no further action could or would be taken. Clause 49(3) exempts such goods from the operation of clause 49 provided they are marked "net weight when packed".

Reference has been made to clause 52(3), which provides that a purchaser or inspector who has to investigate a complaint may have the right to have a load re-weighed in his presence. No prosecution for short weight can succeed unless, in these circumstances, the goods are re-weighed and found to be short. The cost of weighbridge fees would be the responsibility of the purchaser and any other costs would fall upon the seller. Although this provision is new to this State, it is common in other States and has been requested by several local government authorities.

Clause 55 has been included in weights and measures legislation for many years. It should not be difficult for a trader to prove that an instrument has been tested, as a certificate of inspection and receipt for testing fees must be issued for each instrument tested. The production of such a certificate when any fault is detected would relieve the trader of the possibility of prosecution. A statutory declaration would not be required. On the other hand, as the instrument could have been tested by any one of 141 district councils, it would be a difficult matter to search all the councils' records to see whether a certificate was issued before a prosecution under the Act could succeed.

Clause 63 complements clause 42 and is inserted to ensure that old, obsolete and worn-out equipment is removed from trading premises so that it cannot be used, inadvertently or otherwise. The fears of the Hon. Mr. Gilfillan regarding clause 64(1) are without foundation, as only a court can order the forfeiture of similar goods in similar packages, and it is not at all likely that such an order would be given unless the court was satisfied that the goods were short in weight. The situation as pointed out by the honourable member regarding clause 68(17) is generally correct. It is known that councils do own weighbridges and permit various people to weigh their own goods. It is not intended

to interfere with this practice but it is intended to ensure that only a competent weighman shall issue weight tickets, which, it must be remembered, are admissible in court as evidence of the weight of a load. The Hon. Mr. Dawkins expressed some concern about the powers of inspectors. I point out that the present Act gives power to an inspector only regarding weighing instruments. These powers do not extend to packages.

With the growth of goods in pre-packed form, it is necessary to extend the existing power to packages. No difficulty or problems have been reported about the administration of this part of the present Act relating to instruments, and it is reasonable to assume that the same position will continue in regard to packages and that the Act will be administered with reason. It is not intended that the powers of councils will be infringed, provided the Act is properly administered. However, as some councils have encountered problems in administration (and these are appreciated by the honourable member) it has been considered desirable to provide some alternative means to assist them. Hence, the provision that the councils may combine in administering the Act, or, if they are not able to do this and they are unable themselves satisfactorily to carry out the duties, they may request the Minister to do so. However, the Minister is likely to enter this field only if councils satisfy him that this action is necessary to ensure proper administration of the Act, or if any council should default in administering it. I hope that that answers the queries raised by honourable members in the second reading debate and that the Bill will have a speedy passage through the remainder of its stages.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. G. J. GILFILLAN: I thank the Minister for his reply to the many queries raised. I have no strong criticism of the Bill: I merely raised some points that could affect particular industries. In view of the number of answers that the Minister has just given and my desire to make sure that I fully understand their implications, I ask him to report progress so that I may have an opportunity of studying his reply. From what I can remember of it, I believe he made a real effort to answer the various questions. Of course, in this legislation we are touching on enterprises not completely familiar to honourable members. Therefore, I think we should be granted a short time in which to consider these proposals fully.

The Hon. S. C. BEVAN (Minister of Local Government): I appreciate the honourable member's desires in this matter. He is at liberty to peruse a copy of the answers I have just given, if he so desires. In the circumstances, I ask that the Committee report progress and have leave to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. G. J. GILFILLAN: I thank the Minister for enabling the Committee to have sufficient time in which to study his reply to the debate on the second reading and also for allowing us the opportunity to confer with officers who are familiar with the Bill. It seems that the operation of the Bill depends upon the adoption by this and the other States of a uniform code and that, when that agreement is reached, another Bill will be introduced. At that time, we shall have a further opportunity of considering the matters covered by Part V.

It is obvious that the definitions must cover a wide field, because some goods have to be inspected at the point of manufacture. However, I understand that in the case of goods where loss of weight can occur, such as meats and smallgoods, if it is desired to mark the packages "net weight when packed", a 4 per cent loss of weight over a period, under normal conditions of storage, should be established. It is expected that, when the amending Bill is brought forward, schedules relating to the sale of goods so marked will be considered. As we shall have a further opportunity to examine these provisions I raise no objection to Part V.

Clause passed.

Remaining clauses (6 to 68) passed.

First, Second and Third Schedules passed.

Title passed.

Bill read a third time and passed.

ADOPTION OF CHILDREN BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3766.)

The Hon. F. J. POTTER (Central No. 2): I support the Bill. It is largely an administrative Bill in the sense that it sets up considerable administrative machinery that we do not now have. It is interesting to note that it is a

Bill containing 72 clauses and it replaces an Act which has been on our Statute Book for many years and which contains 18 sections. So, we have extended the legislation tremendously. Apart from the adminstrative matters, I believe it does not do very much more in dealing with adoption procedures in this State than did the old Act. It tidies up some loose ends, and I am pleased to see that it retains as part of the machinery the unique system that we have been able to have here—a system whereby there can be a secret adoption. The proposed adopting parents are not told of the names of the actual parents of the child or any other information about them. Again, the mother and father of the child are not given any information about the names and addresses of the adopting parents. This is not a procedure that is used very often, but it has become more useful in certain cases over the years. I am glad to see that this is retained and, if we have given a lead to other States, I think that we can claim the credit.

This Bill, after all, is largely the result of conferences over a number of years between the Attorneys-General of the various States. I realize that complete uniformity was not possible: the Minister made this clear in his opening remarks. The Bill has gone as far as possible to attain uniformity of procedure but it retains much that was originally in the Act.

I am pleased to see that in two respects the Bill makes the position much clearer concerning what is to happen in the case of consent to an adoption. Clause 24 is an important clause because it provides that, once a consent has been given to the adoption of a child, it can only be revoked before the expiration of 30 days after the signing of the instrument of consent or the day on which the adoption order was made, and it cannot be revoked at any other time. This is a situation that has caused difficulty in the past, although not so much in this State. Certainly much publicity was given to one or two cases in another State where a consent to the adoption of an illegitimate child was given and subsequently the mother sought to revoke it. I am pleased to see that this Bill lays down strictly the only circumstances in which that can happen.

Also, I think that the spelling out in clause 30 of the Bill is important and useful; it clearly sets out what is the general effect of the adoption orders—that the child, for instance, becomes the child of the adopting parents as though he or she was born to them in lawful wedlock, and then ceases to be the child of the natural parents. This is not spelt out to any degree in the existing Act, and I think this provision will be valuable.

One or two exaggerated statements have been made about the need for this legislation. One press statement said that certain medical practitioners sought children for parents who were neurotic; I deplore this kind of thing because, from my information and experience, it does not happen very often. In fact, it happens so seldom that one wonders why these reasons are advanced for supporting the Bill, which, after all, is only a consolidating Bill to provide a full code on the subject of adoption of children, a code that is substantially similar to legislation that has been or will be introduced in other States. The Bill provides for recognition of adoption orders in other States and between States. Little more needs to be said about this Bill now. I support it, and I shall listen with interest to the points raised in Committee.

The Hon. H. K. KEMP secured the adjournment of the debate.

THE ELECTRICITY TRUST OF SOUTH AUSTRALIA (PENOLA UNDERTAKING) BILL.

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

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

Electricity in Penola is at present supplied by Penola Electricity Supply Pty. Limited under a franchise agreement from the District Council of Penola. The franchise was granted in 1947 to a different company and transferred to the owners of the present company in 1949. In 1957 the present company took over the franchise. The franchise provides that the company shall have the right to supply electricity in the hundreds of Killanoola, Comaum, Monbulla and Penola. The franchise expires on June 30, 1967, being 20 years from the original grant.

Although in the past the company has provided an adequate supply of electricity in the town of Penola, it has done very little to provide power to the remainder of the franchise area. The Electricity Trust, as part of its development in the South-East, has provided supply to rural consumers up to the boundary of the franchise area but is precluded by the franchise from supplying within the nominated hundreds. The company has had almost 20

years in which to make some effort to provide power in these rural districts but has not done so.

In accordance with the terms of the franchise, the council offered a new franchise to the company to commence from July 1, 1967. One of the conditions of the proposed franchise was that power should be supplied throughout the franchise area, a situation which the council is naturally anxious to see brought about. This offer was rejected by the company. In June, 1966, the Electricity Trust indicated to the company that it would be willing to purchase its assets on the expiration of the franchise provided the company was willing to sell. An indication was given of the price and conditions which would be acceptable to the trust. The company was asked whether it was prepared to make an offer on these lines but this approach was rejected by the company.

The council also offered to purchase the assets of the company and the trust agreed to provide a bulk supply of electricity from its main power network a few miles away. This offer being rejected by the company, the council then decided on December 5, 1966, that it would build its own distribution system to replace the one owned by the company. This would obviously have practical difficulties and it would almost certainly result in blackouts during the overlapping period after the existing franchise expired. In any case the honourable the Minister of Local Government did not feel that he could agree to the council's raising loan money to build a distribution system when a satisfactory one was already in existence.

After it learned that the council would endeavour to establish a new distribution system, the company made a new approach to the Electricity Trust to sell its undertaking. On December 19, 1966, the trust made an offer of $110,000 to purchase the company's assets, leaving the offer open until January 13, 1967. On that date the company rejected the offer but made a counter offer to sell the shares of the company plus certain other assets to the trust based on a valuation almost twice the trust's offer. The trust rejected this offer and, in view of the short time before the franchise expired, informed the council that agreement could not be reached.

On January 26, 1967, the Penola council asked the Government to introduce legislation to vest the company's distribution system in the Electricity Trust on the expiration of the franchise so that continuity of power supply could be assured. The council pointed out that unless this were done there was every likelihood that the township of Penola would be without electricity supply from July 1, 1967. Not only would this be a serious inconvenience and loss to the people in the town, but it would also seriously affect public services in the area including the hospital, water supply and important communication systems operated by the Postmaster-General's Department.

This Bill provides that the appropriate assets shall be vested in the Electricity Trust from the termination of the franchise and that, if agreement cannot be reached between the parties, compensation will be determined by the Supreme Court. It is necessary that this legislation be passed without delay so that proper arrangements can be made to ensure that the district is not deprived of power.

Clauses 1 and 2 of the Bill cover the title and necessary definitions, which are self explanatory. Clause 3 vests the appropriate assets in the Electricity Trust and converts to a right to compensation any estate or interest held in those assets by the company or any other person. It may be noted that the assets to be vested are set out in the schedule and in general cover the distribution system. They do not include the diesel generating plant nor the powerhouse property. The latter is owned by the proprietors personally and not by the company. As the Electricity Trust can readily supply power from its main transmission system on the boundary of the franchise area, there is no necessity to take over the generating plant. The function of any franchise agreement is to transfer rights for a specific period (in this case 20 years). The company or its owners have had valuable rights under the franchise for this lengthy period which expires on June 30 next.

Clause 4 provides that after this Bill becomes law the distribution system shall not be altered without the consent of the trust except for normal requirements in the ordinary course of operation. Clause 5 gives the trust power to inspect or alter the distribution system as necessary after this Bill becomes law and before July 1. It also provides that the company shall disconnect the electricity supply if required in order to do this. Because the distribution system must be connected to the trust's transmission network by July 1, it is obviously necessary for the trust to have power to make adequate preparation beforehand. In the event that the company should suffer loss as a result of any requirement to interrupt supply, subclause (3) of this clause provides that the company shall be entitled to

compensation. It also provides that the trust shall not cause the supply of electricity to be interrupted any more than is reasonably necessary.

Subclause (1) of clause 6 provides that compensation payable under the Bill shall be fixed by agreement or, failing agreement, by the Supreme Court in accordance with the other provisions of this clause. Subclauses (2) and (3) of clause 6 provide that the affected parties may commence an action to determine compensation in the Supreme Court and that the Supreme Court shall hear such action.

Subclause (4) gives the Supreme Court authority to determine and apportion the compensation and to make such order for costs as it thinks proper. Subclause (5) provides that, if the trust shall add to or alter the distribution system, then this shall be properly accounted for in fixing the final compensation.

Subclause (6) provides that compensation payable shall, in relation to the distribution system, be the value of that system as a going concern without regard to the fact that the franchise agreement is due to expire on July 1, 1967. In relation to the other assets vested in the trust the compensation payable shall be the fair value of the assets on vesting day or, if they are parts of the distribution system which have been removed and for which compensation is payable, then the compensation shall be the fair value of such parts immediately before removal. This subclause also provides that compensation in respect of any interruption to supply of electricity shall be the monetary loss suffered by the company in consequence of the interruption.

Clause 7 provides that compensation shall be payable on the vesting day. As there is a possibility that compensation may not be determined before that day, this clause also provides that compensation not paid on the vesting day shall bear interest at 5½ per cent per annum until the date of payment. Clause 8 provides that, except as provided in this Act, there shall be no claim against the trust or the District Council of Penola by reason of the vesting of the assets in the trust or the consequences thereof. The Bill provides for proper compensation to be paid and for the apportionment by the Supreme Court of compensation among different parties in such manner as it thinks just and proper. Owing to the manner in which the existing franchise has in the past been transferred between the owners as individuals and the company which they own, there could be argument about legal ownership although the same persons are involved. Clause 6 will safeguard this situation.

Clause 9 is a saving clause to retain, subject to clauses 4, 5 and 8 of the Bill, the rights and obligations of the company and the district council under the existing franchise agreement. The Bill is in the nature of a hybrid Bill and has been referred to and considered by a Select Committee in another place and its passage through Parliament during this session is essential in order to ensure that the supply of electricity to the people of Penola is not cut off on the expiration of the franchise agreement.

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

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL.

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

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

Its purpose is twofold:

(1) To change the name of the "Public Library of South Australia" to the "State Library of South Australia".

(2) To change the title of office of "Principal Librarian" to "State Librarian".

The name "Public Library of South Australia" no longer describes with accuracy the activities performed in this institution. The term "public library" has, in the past 10 years, become associated almost exclusively with the free public lending libraries operated by councils. A change of the name to "State Library of South Australia" would emphasize both the important State-wide reference, research, and repository functions of the library, and the fact that it is a State Government rather than a local government library.

Similarly, the title of the chief executive officer should be changed from "Principal Librarian" to "State Librarian". This title is now most commonly used in Australia to designate the chief librarians of the States, and it describes his duties more accurately than "Principal Librarian", which designation is increasingly being used for officers of the third rank. Clause 3 amends the long title of the principal Act by substituting "State Library" for "public library". This amendment is consequential to the amendment set out in clause 6. Clause 4 amends subsection (1) of section 18 of the principal Act by providing that the principal librarian appointed by the Governor shall in future be known as the "State Librarian". Clause 5 is merely

a consequential amendment substituting "State Librarian" for "principal librarian" in section 19 of the principal Act.

Clause 6 enacts a new section in the principal Act. Paragraph (*a*) of this section provides that in future the library known as the Public Library of South Australia shall be known as the State Library of South Australia. Paragraph (*b*) is a consequential amendment ensuring that references in other Acts, regulations, proclamations and documents to the "public library" and the "principal librarian" shall be read as references to the "State Library of South Australia" and the "State Librarian" respectively. Clauses 7, 8, 9, 10 and 11 are all consequential amendments substituting "State Library" for "principal library" where this is necessary in the principal Act.

The Hon. R. A. GEDDES (Northern): The intention of the Bill is simple and sensible, and I support it. The idea is to change the name of the Public Library of South Australia to the State Library of South Australia and to change the title of office of Principal Librarian to State Librarian. This brings the rank of the librarian into line with a common practice throughout Australia, and I see nothing wrong with that. The name "Public Library of South Australia" no longer describes with accuracy the activities performed in this institution, and the change of name to "State Library of South Australia" would emphasize the important State-wide reference, research, and repository functions of the library.

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

MARKETABLE SECURITIES TRANSFER BILL.

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

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

That this Bill be now read a second time.

It is designed principally to improve the system whereby the ownership of securities dealt with on the Stock Exchange is transferred. The vast majority of dealings in shares takes place on a stock exchange. The present system, however, has proved to be cumbersome, expensive and incapable of coping satisfactorily with modern business conditions. The same problem had existed and received attention both in England and in the United States of America, where a much simpler, speedier and cheaper system has been devised for transfers of marketable securities made through the agency of stockbrokers. Some time ago the Australian Associated Stock Exchanges requested the State Governments to enact uniform legislation for introducing new simplified share transfer procedures based on oversea experience. The matter was also linked up with stamp duty legislation, which had been designed to operate within the system governing stock exchange dealings, as well as with the concern of the Treasury over the existence of certain avenues by which stamp duty on share transfers had been avoided.

The whole question was then closely examined by the Standing Committee of Attorneys-General and the Treasurers of the Commonwealth and the States and by their respective advisers, and it has now been agreed that uniform legislation substantially in the form of this Bill will be enacted throughout Australia. I shall deal in greater detail with the effect of the stamp duty proposals contained in this Bill when I explain the provisions of Part III of the Bill. The principal provisions of this Bill are contained in Parts II and III.

Part II deals with instruments of transfer. Under the existing procedure governing transfers, a selling client instructs his broker to sell securities on the Stock Exchange. The broker, after transacting the sale, forwards to the selling client a contract note with a transfer form attached. The client is requested to complete and return the transfer together with the relative certificate to the selling broker. If the certificate is for the exact amount of the securities sold, the selling broker, on receipt of the documents, delivers them to the buying broker. If, however, the certificate covers a greater number of securities than the number sold, or if the sale has been transacted with more than one buyer, the selling broker is required to lodge the certificate and transfers for marking, either by the company registrar or by the Stock Exchange Transfer Marking Service. In some cases it is necessary to have the certificate split into the required denominations by the company registrar. When the selling broker has obtained the documents in deliverable form, he then makes delivery to the buying broker. The buying broker in turn forwards the documents to the buying client with the request that the transfer be signed and completed by the transferee and returned to the buying broker. The buying broker then completes the documents and lodges them with the company registrar for registration in the buyer's name. The company

registrar processes the transfer, which in many instances involves awaiting the next meeting of the board of directors. New certificates are subsequently issued by the company to the buying client.

This precedure causes considerable delay and the investor does not receive the certificate in respect of shares purchased by him until weeks or months have elapsed following the purchase. The investor also frequently receives a claim for a refund of a dividend or for "rights" accruing on securities sold weeks or months earlier. Under the proposed new system, the transferor alone will have to sign the instrument of transfer. He may sign the document in advance. The transferee will not be required to sign. The procedure is controlled through the selling and buying brokers, who will stamp and certify the necessary forms which can proceed to immediate registration.

Part II of the Bill provides the background necessary for the operation of the more simplified transfer system. This Part deals generally with the type of instrument which is to be acceptable for registration in company registers. Forms appropriate to this new system are contained in the schedule and when used in accordance with the provisions of the Bill will be valid instruments of transfer notwithstanding anything to the contrary contained in the memorandum or articles of the company. The signing of a transfer by the transferee will not be required if the transferee's broker stamps and certifies the instrument. Stamping of the instrument by a broker carries with it certain warranties and indemnities necessary for the protection of the parties and the company concerned and there are additional protective provisions.

Clause 4 of the Bill contains the definitions appropriate to Part II. The definition of "broker" is wide enough to catch up an interstate broker. The definitions of "debenture" and "marketable security" have to be restricted to a debenture or marketable security of a company or corporation that is governed by the law of this tSate. This is necessary because clause 5 makes a transfer in the appropriate form in the schedule a proper instrument of transfer for the purposes of the law of this State. When these provisions are enacted by all the States, a transfer in one of the appropriate forms used by a South Australian broker for a dealing in shares in a company incorporated in another State will be a proper instrument of transfer for the purposes of the law of that State.

Clause 5, as I have mentioned earlier, makes a transfer in the appropriate form in the schedule a proper instrument of transfer under South Australian law. Clause 6 makes it unnecessary in any instrument of transfer by way of a prescribed instrument to state the occupations of the transferee and transferor or to have the signatures of the transferee and transferor witnessed. Clause 7 provides, in effect, that a prescribed instrument will be deemed to have been duly executed by the transferee named therein if it states the full name and address of the transferee and bears the stamp of the transferee's broker. The transfer of securities with an uncalled liability or a transfer of rights to marketable securities has to have an additional instrument to accompany it. The stamp of the transferee's broker on the instrument has the effect of binding the transferee as if he had agreed to accept the securities subject to the terms and conditions on which they were held by the transferor and as if he had agreed to become a member of the company that issued the securities. The clause goes on to provide that the common form of transfer is not invalidated by that clause.

Clause 8 requires every transfer in the form of a prescribed instrument to bear the stamp of the transferor's broker. The affixing of the transferor's broker's stamp carries with it the assurance that the transferor's broker has certified to the matters in the certificate of the transferor's broker set out in the instrument and the warranty that the transferor is the registered holder of or is entitled to be registered as the holder of the marketable security or right in question and is legally entitled to sell the same. The warranty also indemnifies the company that has issued the marketable security referred to in the instrument and the transferee as well as the transferee's broker against any loss or damage arising from any forged or unauthorized signature of the transferor appearing in the instrument. Clause 9 provides that the company and any officer of the company whose marketable securities are disposed of by a prescribed instrument are entitled to assume the validity of any broker's stamp appearing on that instrument.

Clause 10 provides, in effect, that the registration of a transfer pursuant to a prescribed instrument and the omission from any register, certificate or other document of the occupation of the holder of the marketable security to which it relates does not constitute a breach of the memorandum or articles or other document that relates to any such security. Clause 11

prohibits a broker from affixing his stamp to a transfer in the form of a prescribed instrument unless the instrument relates to a sale or purchase made in the ordinary course of business for a consideration not less than the unencumbered market value of the security or right to which the instrument relates. A penalty of $1,000 is prescribed for a breach of the clause. Clause 12 contains a general regulation-making power.

Part III of this Bill amends the Stamp Duties Act. An important object of this Part is to prevent avoidance of stamp duty on share transfers. The avenues for avoidance arise principally from the fact that stamp duties are not imposed in Canberra and the practice has arisen in recent years for companies to open branch registries in Canberra solely for the purpose of effecting large transfers of marketable securities. This has especially applied to transfers associated with take-over operations. It applies to a lesser extent if one State is taxing transfers of securites at a rate substantially lower than another to the extent that it pays the company to incur the expense of setting up a branch registry to complete the transfer in the lower taxing State.

This situation would be resolved if the Commonwealth and all of the States imposed taxation on such transfers at common rates. Some of the States have aready amended their legislation to do this and some are in the course of so doing. The Commonwealth has not as yet proceeded with similar legislation but has given assurances that it will examine the situation with a view to so doing. At the same time the opportunity has been taken to agree on uniform legislation, which, apart from being necessary to avoid double taxing of the same transfer, is very acceptable to stockbrokers and to companies whose shares are traded in more than one State.

Prior to 1964, all transfers of marketable securities effected through members of the Stock Exchange of Adelaide were taxed through a stamp duty on brokers' contract notes. In 1964 the Stamp Duties Act was amended to provide for the stamping of the instrument of transfer as the main taxing vehicle with only a minor amount of duty attaching to the contract notes. This amendment brought our procedures into line with those adopted in the other States and was instituted after consultation with the Stock Exchange of Adelaide. The rates then adopted were 30c for every $80, or fractional part of $80, of the consideration expressed in the transfer; and 10c for every $400, or fractional part of $400, of the consideration shown in the contract notes —both buying and selling.

The proposals now made in the Bill envisage a return to the principle of levying the duty on the buying and selling transactions of brokers, but instead of stamping the contract notes it is proposed to collect the duty on a periodical return lodged by brokers. The rate which has been agreed upon by all States is 20c for each $100 consideration shown in returns of orders to sell or orders to purchase lodged with brokers. For a transaction which is completed by South Australian brokers or brokers' agents the total duty will therefore be at the rate of 40c per $100 compared with the present rate of 30c for every $80, which is at the rate of 37.5c per $100. Having levied stamp duty on the return, the Government does not consider it appropriate to continue to impose duty on the contract notes, which for a transaction completed by South Australian dealers at present is at a rate equivalent to 5c per $100.

Under the present system we collect the major part of stamp duty from transfers of shares registered in South Australian registries and only a minor part from shares located on interstate registries. Under the new system the duty follow the dealer's return irrespective of where the shares are domiciled. If, for instance, shares on an Adelaide registry are sold through a South Australian broker and purchased through a Victorian broker half the total duty payable will go to each State. The same thing would happen if the shares were domiciled on the Melbourne registry. On balance it is considered, and conceded by the New South Wales and Victorian Governments, who are the main sponsors of this uniform legislation, that the procedures will benefit South Australian revenues as there are probably more South Australians buying and selling shares and debenture of interstate companies and corporations than there are interstate investors dealing in South Australian marketable securities. The gain to New South Wales and Victoria will accrue when the Commonwealth legislation is enacted. At the present time these States consider that their loss of revenue through Canberra transactions is very considerable. In all other cases where the securities are not sold or purchased through a broker duty must be paid on the instrument of transfer. The duty in these instances will be at the rate of 40c for each $100 consideration, which is the same as the total of duty payable on securities which are bought and sold through a South Australian broker.

Some of the States have already passed the complementary legislation and others have it in process. It is desirable that the Bill be passed during this session so that, as soon as Commonwealth legislation is enacted, all parties can agree on a date, to be fixed by proclamation, for the uniform system to operate throughout Australia. I ask them that this Bill be given a speedy passage. It does not make any material variation to rates, it has been agreed to by all the other States, and it has the support of the various stock exchanges.

Clause 15 of the Bill defines a marketable security. The definition includes both securities which can be bought and sold on the Stock Exchange and those which are not so dealt with. This clause also defines "rights". Clause 16 establishes the right of recovery where stamp duty is expressed as payable by any person. Clauses 17 to 20 are transitional provisions dealing mainly with procedures relating to contract notes up to the commencement of operation of the provisions of this Bill. Thereafter stamp duty will not be payable on contract notes.

Clause 21 inserts into the principal Act a new Part IIIA comprising new sections 90a to 90f. New section 90a defines expressions used in the new Part IIIA. New section 90b sets out the transactions to which the new Part has application. New section 90c imposes on a South Australian dealer the obligation of making a record relating to sales and purchases of marketable securities, made pursuant to an order to sell or purchase or made on his own account, and recites the detail to be kept in such records. It also requires the dealer to record himself as having sold or purchased a security when he purchases it from or sells it to a person who is not a dealer. It provides penalties for failure to keep the records.

The right of the Commissioner of Stamps to inspect such records is included in subsection (9). New section 90d requires a South Australian dealer to lodge a weekly return of sales and purchases shown in his records and to pay to the Commissioner the stamp duty duty applicable thereto. Penalties are provided for failure to lodge a return, for lodging false returns and for failure to pay the duty. New section 90e requires a dealer who has made a record of a sale or purchase to endorse the instrument of transfer that stamp duty has been or will be paid and to affix his stamp thereto. Any instrument so endorsed and stamped by the dealer is deemed to be duly stamped under the Act. New section 90f entitles a South Australian dealer to recover the amount of any duty paid by him in respect of any sale or purchase shown in his weekly return from the seller or purchaser for whom he made the sale or purchase.

Clause 22 of the Bill inserts a new section 106a which prohibits a corporation from registering a transfer unless a proper instrument of transfer is delivered to the corporation and the instrument is duly stamped or, if it is a security dealt with through a dealer, is deemed to be stamped by virtue of having the dealer's endorsement and stamp thereon.

Clause 23 of the Bill amends the Second Schedule to give effect to the new procedure and rates of duty. Paragraphs (*a*) and (*b*) retain the present procedures as regards contract notes and options until this Bill becomes law. Pargraph (*d*) inserts a new paragraph (*aa*) showing the rates of duty applicable after the Bill becomes law to instruments of transfer where the transfer is not effected through a dealer. Paragraph (*e*) inserts a new heading in the Second Schedule, namely, "Return lodged with the Commissioner by a South Australian dealer pursuant to section 90d" and details the rates of duty payable.

Two exemptions from the duty on returns are included. They deal with those cases where the broker buys securities for the purpose of immediate resale. It has been suggested that it is common for brokers to purchase securities for clients who they know are interested in acquiring that particular security but without having a specific order to buy. If the client desires to buy and the transaction is completed within two days then duty is based on the client's buying order then made out in the normal fashion. Similarly, a client may wish to sell quickly and the dealer may oblige him by purchasing and letting the client have quick cash. If the dealer sells again within two days he is merely regarded as an agent and duty is charged only on the original selling order and the final buying order. This agency exemption only applies if the securities are bought or sold within two days of the original sale or purchase. If the period goes beyond that the dealer is no longer regarded as an agent but as having himself given an order to buy or sell and the order is stampable as an item in the record and the return.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

ADJOURNMENT.

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

That the Council do now adjourn.

In moving the motion, I take the unusual step of expressing my appreciation to members for their co-operation throughout the day. We have done a good day's work with the co-operation of the Leader of the Opposition, the Whips, and members generally, and I thank them all for their assistance.

The Hon. C. R. Story: The Ministers behaved well, too.

Motion carried.

At 10.46 p.m. the Council adjourned until Wednesday, March 22, at 2.15 p.m.