LEGISLATIVE COUNCIL

Wednesday, November 1, 1967

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

FISHERIES ACT AMENDMENT BILL

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

QUESTIONS

PUNTERS' TAX

The Hon. R. C. DeGARIS: Can the Chief Secretary say when the Government intends to lift the punters' tax?

The Hon. A. J. SHARD: No definite date has been fixed. Speaking from memory, I understand that under the Act the tax cannot be lifted before 12 months have elapsed. I understand there may be discussions about this between Treasury officers and racing clubs. It could be early next year, but not before.

BANK HOLIDAYS

The Hon. V. G. SPRINGETT: It has been stated in the newspapers and elsewhere that the bank employees' organization is seeking the proclamation of Boxing Day as a bank holiday in this State. In view of the effect of banks being closed on several consecutive days, particularly in country areas, can the Chief Secretary state the Government's policy on this matter?

The Hon. A. J. SHARD: Apparently the honourable member assumed, as I did, that the banks wanted the holiday on Boxing Day, whereas in fact they wanted it on December 29. That was a misprint, and it was corrected in this morning's *Advertiser*. Cabinet considered an earlier request by the banks to have a bank holiday over the Christmas period, and it decided that the request would not be complied with. I have not discussed the matter with the Premier, but I know that he has undertaken to review the decision. That has not yet been done, and I cannot say what the policy will be.

RENMARK HIGH SCHOOL

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. R. A. GEDDES: The Renmark High School Council applied to the Director of Education, both during the financial year 1965-66 and again in 1967, for a new boys' craft centre to be erected at the school. To date, all applications have been rejected. The present craft centre is a wood and iron structure which was erected in the 1930's and which is too small to house the number of students at present requiring tuition. In order that students at the high school may enjoy better craft facilities, will the Minister of Labour and Industry ascertain for me when it is planned to build a new craft centre at this school?

The Hon. A. F. KNEEBONE: I shall be happy to convey the honourable member's question to the Minister of Education and bring back a reply as soon as it is available.

MURRAY RIVER SALINITY

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

Leave granted.

The Hon. H. K. KEMP: The Government has repeatedly assured us, or implied, that a very close watch is being kept on salinity in the Murray River, and we have taken this in good faith. However, it is clear that every major leakage of salt that has taken place in the river recently has been detected by private people working independently, and this rather indicates a disturbing state of affairs. Salinity is a very serious problem and, if the Government is taking the question seriously, this could not occur. Will the Minister give us an outline of just what is being done about watching it and, if possible, palliating the development of salinity that seems to be inevitable?

The Hon. S. C. BEVAN: I will refer the honourable member's question to the Minister of Irrigation and obtain a reply as soon as possible.

BUSH FIRES

The Hon. H. K. KEMP: Has the Minister of Local Government a reply to the question I asked last week regarding bush fires?

The Hon. S. C. BEVAN: The Minister of Agriculture informs me that quite a substantial part of the $50,000 allocated on the Estimates to the Bush Fire Research Committee is, in fact, spent on bush fire prevention publicity. The committee, with the approval of the Government, has engaged public relations consultants and they are most active in promoting publicity at every opportunity. The smaller amount on the Estimates referred to by the honourable member is administered from this office and is used mainly for maintenance of clock face indicator signs and printing of

bush fire posters, which are widely distributed to police stations, construction camps and district council offices. Expenditure from this line is supplementary to the main expenditure from the Bush Fire Research Committee line. Control of burning during the conditional burning period is in the hands of district councils.

DROUGHT ASSISTANCE

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

Leave granted.

The Hon. R. C. DeGARIS: I know that yesterday a question along these lines was asked by the Hon. Mr. Hart about the purchase of fodder by those requiring it in the drought-stricken areas. This matter can lead to some confusion. There is an article in today's *Advertiser* dealing with it. Can the Chief Secretary get a reply as soon as possible so that this matter can be clarified?

The Hon. A. J. SHARD: For the information of the Leader and all honourable members, I understand the Minister of Lands has this afternoon made a definite statement on this matter, spelling it out in detail. It will be publicized in today's press, over the air this evening and in tomorrow's *Advertiser*. If, after all that, the honourable member desires further information, I shall be happy to contact the Minister of Lands and get a further report.

GOODS AND LIVESTOCK FREIGHT RATES

Adjourned debate on the motion of the Hon. R. A. Geddes:

That the regulations under the South Australian Railways Commisioners Act, 1936-1965, in respect of goods and livestock rates, made on September 14, 1967, and laid on the table of this Council on September 19, 1967, be disallowed.

(Continued from October 25. Page 2969.)

The Hon. C. R. STORY (Midland): I understand that the Minister has a compromise that he is prepared to put before this Council. I rise to speak briefly on the matter. I agree with the mover of the motion that there is some imposition upon persons who take superphosphate in bulk and are required to sweep trucks as a result of it, for the responsibility for sweeping out the trucks is placed upon them. I understand the Minister has considered this matter and may be prepared at this stage to make a statement to the Council. I should like him to make it, if possible, because the Council, contrary to some opinions expressed, is not an obstructive body and endeavours at all times to reach a compromise on matters without selling out its principles. This is one occasion when we can adequately cover the situation by the use of sweet reasonableness. I support the motion.

The PRESIDENT: It will be necessary to suspend Standing Orders to enable the Minister of Transport to speak again during this debate.

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

That Standing Orders be so far suspended as to enable the Minister of Transport to speak again during this debate.

Motion carried.

The Hon. A. F. KNEEBONE (Minister of Transport): I have had a look at the situation and I am prepared to suggest a compromise in this matter, and I think it will be satisfactory to honourable members. I point out that some of the remarks that were made by honourable members in regard to the carrying of superphosphate, grain, etc., were not quite accurate. The Hon. Mr. Geddes said:

After being mechanically unloaded at Port Pirie, those trucks are then used on the Peterborough Division for the carriage of superphosphate, and on many occasions quantities of lead concentrates have been left in them.

I am informed by the Railways Commissioner that this is incorrect, because the railway trucks used on the concentrate traffic are isolated for that purpose. The Hon. Mr. Gilfillan stated that the application of a little waste oil to the metal surfaces would stop the build-up of superphosphate. This, of course, would render the waggons entirely unsuitable for the carriage of bulk grain. I can imagine bakers being greatly concerned on finding grease and other materials picked up by the grease among the grain or flour that they use.

The Hon. G. J. Gilfillan: This was in reference to the hinges only.

The Hon. A. F. KNEEBONE: I am prepared, because of what I know in regard to this matter, and because the part objected to in the regulation is a minor part of a very big regulation, to come to a compromise. I have counted the heads. If the whole of the regulations were disallowed it could cause some delay and confusion and it might result in the regulations having to be printed again. I am prepared to give an undertaking that a regulation will be brought in that will have the effect of

deleting the part of the regulation to which honourable members have objected, in regard to the carriage of superphosphate.

The Hon. R. A. GEDDES (Northern): I thank the Minister for his consideration of this regulation. I am prepared to accept the Minister's assurance that this part of the regulation will be withdrawn as soon as practicable. I point out that the Hon. Mr. Gilfillan's idea was to put waste oil on the hinges of railway trucks not on the inside of the truck.

The Hon. A. F. Kneebone: That was not what I said.

The Hon. R. A. GEDDES: The Minister said it would be impracticable if oil were put over the truck.

The Hon. A. F. Kneebone: I said a little waste oil applied to the metal surfaces would render the waggons entirely unsuitable for the carriage of bulk grain.

The Hon. R. A. GEDDES: I do not agree with that. The Minister also stated that the Railways Commissioner said that railway trucks used for carting concentrates from Cockburn to Port Pirie were not used on the narrow gauge line in the Peterborough Division. From personal experience I know that such trucks have been so used in the Peterborough Division and I have experienced the difficult problem of unloading superphosphate from them. Further, I have found it necessary on occasion to cart straw from my property to lay on the floor of such trucks before loading wool to be conveyed to Adelaide by the South Australian Railways. I move:

That Order of the Day, Private Business, No. 1, be discharged.

Order of the Day discharged.

STATUTES AMENDMENT (METROPOLITAN MILK SUPPLY, FOOD AND DRUGS AND HEALTH) BILL

Second reading.

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

That this Bill be now read a second time.

Its purpose is to bring door-to-door sales of milk and cream within the metropolitan area under a unified control. The present position is that milk vendors who sell milk in this manner are licensed under the Food and Drugs Act and a zone is assigned to them under the Metropolitan Milk Supply Act. This is administratively not very satisfactory and the authorities administering each Act are agreed that some change is desirable. Thus the effect of this Bill is to vest the control of door-to-door vendors in the Metropolitan Milk Board leaving the control of shops to the Metropolitan County Board under the Food and Drugs Act.

The Bill also makes a number of amendments that are necessary to meet changing circumstances. New methods of treating milk are coming into operation and the Metropolitan Milk Supply Act must now make provision for these. Milk and cream are now beginning to be imported into this State and the board must now have power to require that milk and cream be treated by the holder of a milk treatment licence, if the health of persons in this State is not to be threatened by substandard milk. The power of the board to fix prices for milk and cream is extended to cover all milk and cream. It is, of course, not intended to use the price-fixing powers so as to discriminate against interstate milk and the board's legal advisers are of opinion that a non-discriminatory use of the power directed towards ensuring the orderly marketing of milk and cream within South Australia will not offend against section 92 of the Constitution.

The amendments to the Food and Drugs Act and the Health Act exempt the milk producer from the necessity of being licensed both under the Metropolitan Milk Supply Act and those Acts. The producer is already exempted from this requirement under section 39 of the Metropolitan Milk Supply Act as far as the business conducted in pursuance of a licence under that Act is concerned. Of course, many milk producers sell both locally and to the metropolitan area. These amendments enable the producer licensed under the Metropolitan Milk Supply Act to sell within his district without being also licensed under the other Acts. This policy has in fact been followed for many years, and these amendments merely give legal effect to a long-standing practice that is satisfactory to the producer and all authorities involved.

The clauses of the Bill are as follows: Clauses 1 and 2 are merely formal. Clause 3 makes a formal amendment to the principal Act. Clause 4 amends the definition section of the principal Act. A new definition relating to milk treatment is inserted as new methods of treating milk, more effective than pasteurization, are coming into operation. A definition of "vendor" is inserted as the term is used a number of times throughout the Act. Clause 5 inserts new section 24a in the principal Act. This new section imposes upon the holder of a licence the obligation to keep proper accounts and records. Clauses 6 and 7 make

a formal amendment to the principal Act. Clause 8 merely clarifies section 29 (4) of the principal Act, which prevents the sale of milk produced otherwise than by the holder of a milk producer's licence. Clause 9 amends section 30 of the principal Act. The provisions of this section, which previously only envisaged the pasteurization of milk, are extended to cream also. A new subclause (3a) is added that will prevent the treatment of milk otherwise than in accordance with a method prescribed in the regulations.

Clause 10 inserts new sections 30a to 30e in the principal Act, which all deal with the new milk vendors' licences. New section 30a makes it an offence to sell milk in the metropolitan area. But this does not apply to a sale by wholesale by a milk producer nor does it apply to a retail sale by a retail shop proprietor, who is to remain under the control of the Metropolitan County Board, which operates under the Food and Drugs Act. New section 30b empowers the board to divide the metropolitan area into zones for the purposes of granting licences. New section 30c empowers the board to obtain particulars as to the origin, treatment, transportation and storage of any milk to be sold in the metropolitan area and to require the treatment of milk by the holder of a milk treatment licence prior to sale. New section 30d prevents the transfer of a milk vendor's licence without the prior approval of the board. New section 30e is a transitional provision which preserves current licences until June 30, 1968, when they will expire in any case.

Clause 11 amends section 31 of the principal Act. The information that an applicant is required to furnish is enlarged by requiring him to specify premises that he proposes to use in pursuance of the licence. Clause 12 amends section 32 of the principal Act. The grounds upon which an application for a licence may be refused are extended. The board may refuse a licence where the applicant has been convicted of an indictable offence or an offence that, in the opinion of the board, renders him unfit to hold a licence. It is, of course, extremely undesirable that a person of criminal propensities should hold a licence, as it enables him to enter upon private land and plan criminal enterprises. The board is required to notify the Director-General of Public Health of all applications for milk vendor's licences and, upon his advice that a person is suffering from an infectious or loathsome disease, the board must refuse a licence to that person or cancel a licence granted to him.

Clause 13 amends section 33 of the principal Act to correspond with the amendments to section 32. A new subsection (3) empowers the board to cancel a milk producer's licence if the holder has not carried on business in pursuance of the licence for a period of six months. Clause 14 repeals section 37a of the principal Act. This section expired on December 31, 1958. Clause 15 inserts a new section 38a in the principal Act. This new section enables the board to specify premises that are to be used as depots in connection with the business carried on under a licence.

Clause 16 amends section 39 of the principal Act. The exemption provided by the section is extended to the holder of the new milk vendor's licence, and the actual extent of the exemption is enlarged a little by exempting a licensee from regulations under the Food and Drugs Act in relation to the labelling of containers. New subsection (1a) declares that this exemption is not to extend to shops, which are to remain under the control of the Metropolitan County Board. Clause 17 repeals section 40 of the principal Act, which is now out of date.

Clause 18 amends section 41 of the principal Act, which relates to price fixing. The section relates at the moment only to milk produced by a producer licensed under the Act. This is extended to all milk sold within the metropolitan area. The amendment makes it clear that the board may fix prices either specifically or by reference to maximum and minimum prices. Clause 19 makes a decimal currency amendment. Clause 20 extends the regulation-making powers of the Governor. These powers are consequential upon and incidental to previous amendments to the Act.

Clause 21 repeals section 46a of the principal Act, which is redundant in view of the new provisions. Clause 22 makes a decimal currency amendment. Clause 23 extends the evidentiary provision of the principal Act. Clause 24 enacts new section 53 of the principal Act. This section enables the board to promote the sale of milk and cream by advertisement or such other means as it thinks fit.

Part III amends the Food and Drugs Act, 1908-1962. Clause 25 is merely formal. Clause 26 amends section 27 of the principal Act. The holder of a milk producer's licence is exempted from the operation of this section under section 39 of the Metropolitan Milk Supply Act. But this exemption applies only

to a producer in so far as he is acting in pursuance of the licence, that is to say, in so far as he is producing milk for and selling it to the metropolitan area. Of course, many milk producers sell milk both locally and to the metropolitan area, and this amendment is for their benefit. The effect of the amendment is to exempt a milk producer who is licensed under the Metropolitan Milk Supply Act from the necessity of having to be also licensed by the local authority under the Food and Drugs Act.

The authorities administering both these Acts are agreed that it is unnecessarily burdensome to the milk producer to require him to be licensed by two separate authorities. The amendment does not deprive the local authority of its controls over the production and the quality of milk that is locally sold; it merely exempts the producer from onerous licensing requirements. Part IV amends the Health Act, 1935-1967. Clause 27 is merely formal. Clause 28 makes amendments to section 115 of the Health Act that are similar in purpose to those made to the Food and Drugs Act.

The Hon. H. K. KEMP (Southern): As this Bill is not on members' files, I move that the debate be adjourned.

Motion carried; debate adjourned.

ACTS REPUBLICATION BILL

Second reading.

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

That this Bill be now read a second time.

It combines into one measure the provisions of the Amendments Incorporation Act, 1937, and the Acts Republication Act, 1965-1966, and removes the anomalies that presently exist between those two Acts. It also makes a number of improvements to the existing legislation, under which power and authority are conferred for the reprinting of Acts of Parliament with a view to streamlining and shortening the procedures governing the preparation of reprints and a new edition of reprinted Statutes.

When the Acts Republication Act, 1965-1966, was considered by Parliament in 1965, it was brought to the notice of Parliament that it was then nearly 30 years since the Statute law from 1837 to 1936 had been reprinted. That reprint proved of great assistance to all those who have been concerned with the Statute law of this State. From the time of its publication up to the end of this Parliamentary session, 31 annual volumes of Statutes have been either issued or in course of preparation. Honourable members will recall that Mr. J. P. Cartledge had been engaged on the editorial side to prepare the edition of reprinted Statutes for which provision had been made by the Acts Republication Act, 1965-1966. Mr. Cartledge had also been responsible for the preparation for reprinting under the Amendments Incorporation Act of amended Acts with their amendments incorporated therein.

The untimely death of Mr. Cartledge and the lack of a suitable successor to him who had not only the experience but also the time and the willingness to undertake the work unfortunately held this work up. One of the few persons in the State who have wide experience and interest in the consolidation and reprinting of Statutes and the preparation of law revision Bills in connection with the reprinting of Statutes is Mr. E. A. Ludovici, Senior Assistant Parliamentary Draftsman, who, at the time of Mr. Cartledge's death, was already fully committed with work in connection with his duties as Senior Assistant Parliamentary Draftsman. The Government, however, considered that the work should be delayed no longer, and it instructed Mr. Ludovici to examine the legislation on the subject in force in this State as well as in other States with a view, if possible, to streamlining and shortening the procedures governing the preparation of reprints and the new edition of reprinted Statutes.

This Bill is the outcome of Mr. Ludovici's examination and recommendations. If the Amendments Incorporation Act and the Acts Republication Act were combined into one measure, it would certainly avoid unnecessary duplication of work. At present, all the things that are authorized to be done under the Acts Republication Act are not authorized to be done under the Amendments Incorporation Act, and a reprint prepared under the latter Act would not necessarily be capable of being used for the purposes of the new edition of the Statutes under the former Act. The Bill now before Parliament brings the provisions of the two Acts into harmony and will avoid duplication of work.

The Government has appointed Mr. Ludovici Commissioner of Statute Revision in addition to his present office and, as Commissioner, he will be responsible to the Attorney-General for preparing and editing all reprints brought out under this legislation. At the request of the Law Book Company Limited, with which the Government has made an arrangement for bringing out the new edition of the Statutes, the Government has approved of Mr. Ludovici, by agreement with that company, undertaking

the preparation and editing of that edition while he holds the office of Commissioner of Statute Revision. It will also be the duty of the Commissioner to prepare for reprint such amended Acts as are in need of reprinting to meet the demands of the public and the professions.

Clause 2 of the Bill repeals the Amendments Incorporation Act and the Acts Republication Act, at the same time preserving the effect of reprints published under the Amendments Incorporation Act. Clause 3 contains necessary definitions. Clause 4 contains the authority for bringing out the new edition of reprinted Statutes and reproduces the effect of sections 2 and 5 of the Acts Republication Act, including additional matter in subclauses (3), (4) and (5) which had not been referred to or included in that Act. Clause 5 contains the authority for reprinting Acts that have been amended so that the reprint incorporates every amendment. This clause is a reproduction of section 3 of the Acts Republication Act and section 3 of the Amendments Incorporation Act.

Clause 6 will ensure that every Act that is reprinted under this Bill will be prepared for reprint by or under the supervision of the Commissioner. Clause 7 reproduces the provisions of section 4 of the Amendments Incorporation Act and section 6 of the Acts Republication Act, 1965-1966. These provisions relate to the things that are authorized to be done when an Act is reprinted. In addition, the clause authorizes the alteration of any reference to any year expressed in words to a reference to that year expressed in Arabic numerals to assist the reader, and also authorizes the form of any Act to be altered, on the directions of the Attorney-General, for the purpose of achieving uniformity of style in the numbering of sections, in the use of capital letters and italics, and in the setting out of Acts generally or for the purpose of generally improving the form or manner in which the law is expressed; but no direction of the Attorney-General for this purpose can be made to alter or modify the substances, effect or operation of any Act or enactment. This provision would be necessary in order to ensure consistency even in the incorporation of amendments to principal Acts —where the form of an amendment to a section is not always consistent with the form of the section itself. Subclauses (4), (5) and (6) are mainly consequential on the earlier provisions of the clause.

Clause 8, which authorizes alterations to be made to give effect to the Decimal Currency Act, reproduces section 4 of the Acts Republication Act, 1965-1966. Although this provision is not contained in the Amendments Incorporation Act, its effect in this Bill will extend to all reprints of amended Acts as well, whether they are included in the new edition of reprinted Statutes or whether they are separately reprinted. Subclause (4) of the clause, though not contained in the repealed Act, is a necessary consequential provision. Clause 9 is a provision which has been adopted from the Reprint of Statutes Act, 1954, of Tasmania, under which the current edition of the Tasmanian Statutes has been reprinted. The clause virtually deems the text of the reprint of 1937 to be correct. This will avoid the necessity for the Commissioner to have regard to any text of any Statute that was printed prior to the publication of the reprint of 1937, or to go over the ground covered by the draftsmen who prepared that reprint. It is now 30 years since that reprint was brought out, and if any errors have been detected in any Acts included therein they would most probably have been corrected by now.

Clause 10 is a machinery provision which is not included in either the Amendments Incorporation Act or the Acts Republication Act. It requires certain endorsements to be incorporated in the volumes and copies of reprinted Acts. Clause 11, which deals with references to pages or lines of any Act included in the edition of Statutes reprinted under clause 4, reproduces section 9 of the Acts Republication Act. Clause 12 (1), which provides that any Act reprinted pursuant to this Bill is to be judicially noticed and deemed to be an Act of Parliament, is a reproduction of the effect of section 6 of the Amendments Incorporation Act and section 10 of the Acts Republication Act, and subclause (2), which is not included in either of those Acts, is a necessary consequential provision. Clause 13 contains the necessary financial provision and is a reproduction of section 11 of the Acts Republication Act.

Honourable members will see that when this Bill becomes law all reprints of Acts will be brought out under the same piece of legislation. It is the Government's intention that reprints of separate Acts will continue to be prepared by the Commissioner and published to meet the demand of the public and the professions. Those reprints would then be capable of being used for the purposes of the new edition of reprinted Statutes. There would be a considerable amount of statute law revision to be done, as there are a number

of provisions of amending Acts that cannot be incorporated in their principal Acts in their present form because, for one reason or other, there are no "homes" in the principal Acts for those provisions. This means that the Commissioner would have to go through every Act and isolate and examine these homeless provisions with a view to preparing one or more Statute Law Revision Bills for consideration and enactment by Parliament prior to the date up to which the law is to be expressed in the new edition of reprinted Statutes.

I should also mention to honourable members in this connection that it is proposed that the Commissioner will keep a master copy of every Act as reprinted under this Bill, and as soon as an amendment is made to that Act the amendment will be incorporated in the master copy. This would mean that at any time thereafter an up-to-date text of that Act would be available and that text would be used by the Government Printer for any future reprint of that Act. The expense of editing and publishing a new edition of the Statutes will therefore not be a recurring one.

The printing of the new edition of Statutes will be carried out by the Government Printer. As it was mentioned when the Acts Republication Act was before this Council in 1965, the compilation and printing of the new edition of Statutes is a long and arduous task requiring a high standard of exactitude. Mr. Cartledge undertook the task upon his retirement from Government service and expected to complete his work in about five years. Mr. Ludovici, who will be doing this work in addition to his duties as Senior Assistant Parliamentary Draftsman, will, for that reason, need more time and hopes to complete his task on the new edition within 6½ years. It is expected, however, that the volumes will be made available to the public as and when they are ready. Subject to the provisions of this Bill, the general style and format of the new edition will be similar to the style and format of the reprint of 1937.

The Hon. F. J. POTTER (Central No. 2): In supporting the second reading, I congratulate the Government on finding a solution to the long-delayed problem of the republication of our Statutes. It will be a long job, but I hope that it will be finished sooner than the estimated period of six years. When the job has been completed I hope that we will be able to obtain reprints of the volumes, and that there will not be a delay of about 30 years before the Statutes are again reprinted. In other States sections are reprinted periodically in alphabetical order, and perhaps we could adopt this system. The reprinting of the Acts will be of great benefit to members of the public who constantly use them, as well as being a benefit to members of Parliament. When the Acts are reprinted I hope that all members will receive a copy as they are issued, because that is essential.

The Hon. C. D. ROWE (Midland): I, too, support the Bill, and emphasize that the Government is extremely fortunate in obtaining the services of Mr. Ludovici to do this work. I have watched his work during the years: he is thorough, competent and conscientious, qualities that are necessary for this detailed work. I publicly express my great satisfaction that he has agreed to do the work and that he is available to do it, because the South Australian Statutes will be the better for his efforts in this connection.

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

POLICE OFFENCES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the Police Offences Act in two important respects. Clause 3 deals with a subject that has been causing considerable concern in recent times, namely, the misuse of certain drugs which could lead to a measure of drug-dependence but which, more dangerously, could lead through their use to the use of the more dangerous narcotic drugs. The clause prohibits the manufacture, sale, distribution, possession or use, without lawful excuse, of drugs and other substances that have been declared to be prescribed drugs for the purpose of section 15 of the Act. The penalty prescribed for the offence is $2,000 or imprisonment for two years, or both.

It is proposed that the hallucinogenic drugs, including L.S.D., should be the first to be brought under the control of this new provision in order that the abuse of these drugs can be more adequately controlled than at present. Consideration will also be given to declaring the amphetamine drugs under this provision. These are the stimulant drugs that have been peddled to teenagers and abused by transport drivers. Whilst all these drugs are available only on prescription in accordance with the poison regulations, those regulations relate only to manufacture and possession for sale. They do not and cannot

be extended to include possession for use without lawful excuse. The narcotic drugs, including marihuana, are adequately controlled under the Dangerous Drugs Act, but that Act is applied only to drugs that are subject to the international conventions on narcotic drugs and it is not considered appropriate to extend that Act to drugs that are not subject to the conventions. Legislation designed to achieve much the same effect has been, or is in the process of being, enacted in all the other States and in the United Kingdom.

The second amendment, which is contained in clause 4 of the Bill, gives effect to a resolution of a recent conference of Commonwealth and State Ministers held in Canberra on obscene publications. Negotiations have been proceeding between the Governments of the Commonwealth and the State concerning the establishment of a joint advisory board to consider publications for which literary, scientific or artistic merit is claimed, but which might otherwise be considered indecent or obscene. It is felt by the Governments concerned that this would achieve a measure of uniformity throughout Australia in regard to literature censorship. Agreement has now been reached between the various Governments under which the Commonwealth will establish a new board to be styled the "National Literature Board of Review", which will replace the existing Literature Censorship Board and appeal board. It is proposed that the new board will be established under the provisions of the Customs (Literature Censorship) Regulations, which will be amended to abolish the existing boards. Each State has agreed to pass legislation to give immunity to members of the new board from civil action arising from any opinion expressed upon any book, etc., submitted for the board's opinion. Details concerning the establishment and operation of the new board are to be the subject to an agreement between the Commonwealth and the States.

The new board, which will be chosen from Commonwealth and State nominees, will merely advise the appropriate Commonwealth and State Ministers, who will, however, retain their rights to decide whether a prosecution is to be instituted in any particular case. The final decision whether a publication does or does not come within the ambit of the law will continue to be determined by the courts. It is hoped that the new board will be able to start functioning at the beginning of next year, and clause 4 of the Bill provides protection for its members against any action being brought against them in South Australia. When this protection is assured in all the States, the way will be clear for the agreement between the Commonwealth and the States to be entered into and ratified. The agreement will provide that neither the Commonwealth nor any State will prosecute in respect of any publication which the board considers has literary, scientific or artistic merit and is suitable for distribution in Australia. In this way authors, publishers and distributors will not face the risk of prosecution in respect of such works. However, if the board does not approve of a publication, it could still be published, as in the past, but the publisher or distributor would run the risk of prosecution.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 3)

Second reading.

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

That this Bill be now read a second time.

This short Bill is designed to permit the Totalizator Agency Board, with the approval of the Minister, to co-operate with and assist an authority in another State or a territory of the Commonwealth in the provision of off-course betting facilities. The immediate object is to co-operate with the New South Wales Board in the provision of facilities in Broken Hill for betting on South Australian races. The people of Broken Hill desire to bet on South Australian races but the interest in New South Wales outside Broken Hill in those races is considered inadequate to justify the Totalizator Agency Board of that State conducting its own State-wide pools for those races. Accordingly, the Premier of New South Wales has asked the Government whether the South Australian board would be prepared to assist by incorporating in its pools any bets lodged in Broken Hill with the New South Wales board on South Australian events. The South Australian board is prepared to assist on the basis that it is reimbursed for any costs and expenses incurred, and I believe the New South Wales board is prepared to agree that of the normal 14 per cent commission deducted in South Australian pools 1 per cent be remitted to the South Australian Government and the normal New South Wales Commission of 13 per cent be retained by it.

In addition, the "fractions" would go to the South Australian Government. Provision has been made in this Bill for these revenues to be paid into the Hospitals Fund. This arrangement would be comparable with that already in operation between New South Wales and the Australian Capital Territory, where bets laid in the Capital Territory are incorporated in the New South Wales pools, except that at present the commission therefrom going to the New South Wales Government is ½ per cent.

This Bill is drawn sufficiently widely so that other arrangements may be made (for instance, with the Northern Territory) although there are no present moves for any other such arrangements. The revenues anticipated by the Government from these arrangements will be little more than nominal. However, both the Government and the board feel that it is proper that they co-operate in facilitating the provision of this service to the people of Broken Hill, who have always had a close association with this State. I am sure honourable members generally will feel so, too. As the clauses of the Bill express clearly and in greater detail the intention I have already explained, they need no further explanation.

The Hon. Sir NORMAN JUDE (Southern): This Bill contains a simple amendment relating to the section in the principal Act that controls the operation of the Totalizator Agency Board. Unlike many other small amending Bills, this measure clearly sets out the amendment and the purpose thereof. The amendment will permit residents of Broken Hill to use T.A.B. facilities, by arrangement with the New South Wales Government, in order to invest money on South Australian race meetings and, if required, on meetings conducted at such places in the Northern Territory as Alice Springs. This will possibly mean increased revenue to the board, although it is suggested in the second reading explanation that such an increase will be only nominal.

However, the amendment will provide a service and, in addition, I think it is desirable that we preserve friendly relations with Broken Hill residents in this regard. As I notice that the latest report of the board shows only a modest profit (no doubt because of considerable competition received from the State Lotteries Commission) I hope that the board will receive additional revenue as a result of this measure. I have pleasure in supporting the Bill.

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

PUBLIC EXAMINATIONS BOARD BILL

Second reading.

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

That this Bill be now read a second time.

Its purpose is to establish an independent autonomous body having control over the nature and conduct of public examinations. The immediate need for the Bill arises in consequence of the establishment of the Flinders University. The present situation in which the control of examinations is vested in a department of the University of Adelaide no longer conforms to modern circumstances and needs. The Bill provides for a board that fairly represents all responsible bodies having an interest in South Australian secondary education. Whilst the ratio of members drawn from independent schools to those from the Education Department has been somewhat reduced, this reduction merely reflects changing circumstances. Thirty years ago when the present composition of the Public Examinations Board of the University of Adelaide was largely determined, it was true to say that the independent schools were responsible for the education of the majority of students who undertook fourth and fifth year courses in secondary schools. The situation is now entirely changed. This year there will be approximately 7,400 candidates for the Leaving examination drawn from schools administered by the Education Department, compared with about 2,400 candidates from independent schools. The Education Department will be responsible for about 2,250 candidates for the matriculation examination, and independent schools for about 1,050. The Bill provides for a generous arrangement whereby independent schools will have six representatives on the board compared with 10 from the Education Department.

Undoubtedly the most important aspect of the board's work, apart from the actual conduct of examinations, consists in the preparation of examination syllabuses. The board is itself too large a body to devote its time to the specialized task of preparing a syllabus in each subject of examination. The Bill therefore provides that the board may appoint a subject committee for each subject or group of related subjects. These subject committees will submit to the board the syllabuses upon which, in their opinion, examinations should be based. The board may either approve or vary the syllabus as it thinks fit. The control of matriculation must, of course, remain in the

university, and so the Bill provides that any syllabus must contain all matters prescribed as matters on which candidates for a matriculation examination will be examined under the statutes and regulations of either of the universities. A chief examiner in each subject is to be appointed annually by the board. It will be his function to prepare the examination papers and to assess the results of candidates who presented themselves for examination in that subject. In the case of a subject that is available at matriculation level, the chief examiner must be a member of the academic staff of one of the universities.

The board is invested with general powers over the control of examinations and, in particular, with the power to make rules relating to matters governing the conduct of examinations and to matters incidental thereto. The board has power to appoint and dismiss officers and servants, but those persons who are at present engaged solely in the Public Examinations Board of the University of Adelaide are to become, by virtue of the Act, officers and servants of the board on the commencement of the Act. The board may require the university to transfer to it property at present held by the university solely for the purposes of its Public Examinations Board. In addition, the university is empowered to transfer to the board certain trust funds that it holds for the purpose of awarding scholarships and prizes on the results of public examinations.

The provisions of the Bill are as follows: Clause 1 is merely formal. Clause 2 deals with interpretation. Clause 3 establishes and incorporates the board. The board is to consist of 32 members, of whom 10 are to be members of the Education Department, nominated by the Director-General of Education; six are to be drawn from independent schools, two nominated by the Director of Catholic Education in South Australia, two by the Independent Schools Head Masters Association and two by the Independent Schools Head Mistresses Association; two are to be staff members of the South Australian Institute of Technology nominated by the council of that institute; and each university is to nominate seven members.

Clause 4 deals with the terms and conditions on which a member of the board is to hold office. Clause 5 deals with the appointment and functions of the chairman. Clause 6 provides that 16 members shall constitute a quorum of the board, and deals with the method by which the board shall arrive at a decision. Clause 7 provides that the Minister may approve the payment of allowances and expenses to the members of the board. Clause 8 sets out the duties of the board. The board is required to conduct matriculation examinations and such other examinations as the Minister may approve on the recommendation of the board. The board is required to supply the respective universities with the results of matriculation examinations and to publish the results of all examinations as soon as practicable.

Clause 9 provides that the board may appoint subject committees whose duties are to report to the board upon examinations previously conducted in the subject in respect of which they were appointed and to prepare the syllabuses for future examinations. In the case of a subject in which matriculation candidates are to be examined, the chairman of the subject committee is to be a member of the academic staff of one of the universities. Clause 10 provides that a matriculation syllabus must conform with the requirements of the universities. The universities thus retain effective control of their own matriculation.

Clause 11 provides for the appointment of a chief examiner and examiners in each subject. In the case of a subject that is available at matriculation level, the chief examiner is to be a member of the academic staff of one of the universities. The chief examiner is responsible to the board for the preparation of examination papers and the assessment of candidates' results on examination. Clause 12 gives the board power to make rules relating to the conduct of examinations and matters incidental thereto. Clause 13 empowers the board to make recommendations to the universities in relation to matriculation. Clause 14 enables the board to arrange with authorities in other States of the Commonwealth for the examination of South Australian candidates where there are not sufficient candidates to justify the appointment of examiners, or there are not sufficient qualified examiners in this State.

Clause 15 requires the publication of a manual and sets out the matters to be included therein. Subclause (2) provides that the syllabus for each subject shall be published at least 12 months before the examination based on that syllabus is held. Clause 16 empowers the board to appoint and dismiss officers and servants, but provides that those persons who, immediately before the commencement of the Act, were employed by the

University of Adelaide solely for the purposes of its Public Examinations Board shall, upon the commencement of the Act, become employees of the board.

Clause 17 enables the board to require the University of Adelaide to transfer to it property owned by the university and held by it immediately before the commencement of the Act solely for the purposes of its Public Examinations Board. Subclause (2) enables the University of Adelaide to transfer to the board trust funds that have been donated for the purpose of establishing a prize or scholarship that is awarded on the results of an examination that is to be conducted in the future by the board. Clause 18 provides that the board may conduct examinations in addition to those that it is required to conduct under the Act. The board may recover fees for conducting such examinations. Clause 19 is a financial provision and deals with appropriation. Clause 20 requires the Auditor-General to audit the accounts of the board annually. Clause 21 contains a general power to make regulations.

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill, which is designed to establish a Public Examinations Board of South Australia. Previously, there had been such a board under the auspices of the University of Adelaide. The situation has arisen that we have two universities now, and possibly always in the future, with different regulations and different fields of work to be undertaken by their respective students. So, there is a case today for a different Public Examinations Board.

The board represents not only the universities and the requirements for matriculation of their respective students; it must be a board that will be able to take cognizance of the requirements of secondary education, both public and private, in its broadest sense. We must remember always that the bulk of students going through high schools and colleges, although never destined to enter universities, still need carefully selected syllabuses and standards to be reached in order to become useful citizens. They must be able to prove that they have reached standards of education acceptable to the industrial and commercial worlds.

For all these purposes, it is clear that a board with the duties envisaged in the Bill is necessary. There are, however, certain features of the Bill that are distasteful and unjust. The Bill proposes a board to be set up consisting of 32 members, 16 of whom shall come from our tertiary institutions (seven from the University of Adelaide, seven from the Flinders University and two from the Institute of Technology) and 16 of whom shall come from sources representing secondary education in South Australia made up as follows: 10 from the Education Department, nominated by one man (the Director-General of Education), and six from the independent schools, that is, the church and private schools.

This is a complete change in the board's composition. This changes the parity of representation between independent and State schools operative under the old board. The Minister said that whilst the ratio between members drawn from independent schools has been somewhat reduced (this was reduced by almost half) in comparison with those from the Education Department, this reduction merely reflects changing circumstances. He also said that the Bill provides for a generous arrangement whereby independent schools will have six representatives on the board, compared with 10 from the Education Department. Does that seem a generous arrangement? Are we supposed to think we are frightfully lucky we are getting only six, if we are independent-school minded?

It has been claimed that this proposal attempts to be proportionate to the students being educated under our two systems of education. That may be so at the moment, but it must be pointed out that it is only in recent years that the State's secondary education system has grown phenomenally. In the earlier years, secondary education in South Australia was predominantly in the hands of the independent schools, but then, of course, there was no suggestion that they should have the dominant voice in our educational system.

In view of the outstanding part played by the independent schools over the years in developing the high standard of secondary education in this State, and in view of the lead they have always given in many aspects of education, it seems to me that they are entitled to equal representation with Government secondary schools on the board. Let us be consistent: if one is going to insist on this proportional representation, then one would have to apply the same theory as regards tertiary representation. Flinders University has 830 students and the University of Adelaide has 8,000 students, and so there would not be any question there of each university having

seven representatives. This argument of proportional representation is only used when it suits the purpose of the Government.

Again, I would point out that there are approximately equal numbers of girls and boys in the community and approximately equal numbers of girls and boys being educated. In view of the tendency of the Education Department in South Australia showing over many years an overpowering bias towards men only to hold senior positions, I consider that Parliament should legislate to ensure that the 50 per cent of female scholars in Education Department schools should have reasonable representation on the board. For some years the Education Department has not appointed any women to the Public Examinations Board. There has been female representation, but it has been restricted to the Headmistress's Association. Therefore, I will be moving an amendment in this matter.

Clause 12 refers to rules that may be made by the board and this is, of course, the heart of the matter. Subclause (1), in part, reads:

The board shall have power to make, alter and repeal rules relating to all or any of the following matters—

(*a*) the subjects upon which the board will conduct examinations;

(*b*) the manner in which intending candidates shall enter for examination and the fees to be paid thereupon;

(*c*) the manner in which candidates for examination shall behave themselves at an examination and anything necessary or expedient for the enforcement of discipline thereat;

(*d*) the certificates that the board may issue certifying the results obtained by candidates upon examination ;

But here again in subclause (2) can be seen this ubiquitous power in yet another Bill introduced by this Government—power given to the Minister to override anything that the board does. In fact, the Minister will have the power of veto over any action of the board.

The Hon. C. R. Story: The honourable member is way ahead of us in reading from the Bill. We have not got a copy of the Bill.

The Hon. JESSIE COOPER: It is Bill No. 71 from another place and came to this Chamber amended to No. 86. The practice of granting this ubiquitous power is obnoxious. The system of making an Act subject in its minor fields of operation to regulations that Parliament may reject is one thing; but the system of producing an Act that gives extremely wide powers to departments or boards, all of which powers are subject to the approval or non-approval of the Minister, is quite another. It does little more than give the Minister wide dictatorial power without the necessity of relying upon the making of regulations that can be examined by Parliament.

The powers provided under clause 12 (1) are necessary for the functioning of the board, and are reasonable; but having said that, I believe that the board should then be allowed to use those powers in its absolute authority, subject always to the right under clause 21 of the Bill of the Governor to make such regulations as are deemed necessary. With those remarks, I support the Bill.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

IRRIGATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes several amendments to the principal Act. The first amendment is made by clause 3 which amends the definition of "ratable land". Since 1941 when the present definition was enacted, a good deal of land above the level of main channels has been developed and irrigated by means of re-lift pumping plants and sprinkler irrigation. It can be said that before the use of re-lift plants an irrigation water supply was available to so much of the land as could be irrigated by gravitation from an adjoining departmental channel. Nowadays such a water supply is feasible for any land above or below the channel provided that the land holder is prepared to install facilities for conveying it from the departmental headworks. Furthermore, at Loxton and Cooltong, the Department provides block pumping units to deliver irrigation water to land above the main channels.

There are lands within irrigation areas which are used for the production of annual crops and irrigation water is supplied under conditions applicable to special irrigations; that is, holders order and pay for the quantity they need from time to time and in essence that quantity is then supplied as and when this can be done without prejudicing the requirements of permanent plantings or unduly prolonging the pumping period. Notwithstanding these conditions, it can be said that a water supply is available for such lands. The same could be said of a land holder if he took water without authority as it could be said that the water supply was available because

it was in fact found that the land holder had been able to get water on to the land.

Land which is and should be subject to water rates is that land to which a supply is properly approved and is available continuously as in town water supply or during a regular general irrigation programme elsewhere. In this latter regard, some highland areas are supplied with five general irrigations and others with four, according to the wishes of the majority of the settlers in the district, and the annual rate varies according to the number of general irrigations. Settlers have the opportunity to order and pay for additional waterings as special irrigations. In the reclaimed areas up to 14 irrigations are supplied each season before individuals are required to pay for specials, whilst at Loxton and Cooltong there is no maximum number of general irrigations fixed, because the supply is measured and actual consumption is charged for at a rate for each acre inch. However, in these two districts those irrigations considered to be required for the majority of plantings are designated as general irrigations and others as special irrigations.

Developments over the years have therefore given rise to some uncertainty as to just what land is or should be ratable in terms of the present definition, and the amendment is intended to clarify the position. The amendment replaces the words "for which a water supply is available" at the end of the definitions, with the words "for which the Minister has approved and made available a water supply in return for a rate fixed and payable annually". Clauses 4 and 5 relate to the limitation of areas which may be held under the principal Act, amending sections 25 and 26 respectively.

The limitation of area section in the principal Act has been varied from that which existed in 1908, when blocks were to be of such size as would contain not more than 50 acres of reclaimed land and not more than 50 acres of land considered by the Minister to be irrigable land, plus any area of other land, and no lessee was to be permitted to hold more than one block. Various amendments have since been made from time to time. First, it was provided that there should be no limit to the area of land and the number of blocks if not more than 50 acres in the aggregate was reclaimed or irrigable land; a further variation was brought in in 1930, which for the first time included provision for more than 50 acres of irrigable land in the aggregate to be held by one person, but this concession applied only to land in the Jervois irrigation area.

Subsequently, in 1941, section 25 was amended so that permission to hold more than 50 acres might be granted in respect of reclaimed land if in the opinion of the Land Board such permission was necessary in order that a person might be in a position to work his block with a reasonable likelihood of success. In each case reference was made to "irrigable land" being land that was considered to be irrigable by the Commissioner or the Land Board, and so on. For the same reasons as those set out in connection with the amendment to the definition of ratable land, that is, the widespread use nowadays of sprinkler irrigation and re-lift plants, provided the land holder is prepared to put in the facilities to convey water from the department's headworks, then any land he holds can be made irrigable. In addition, circumstances could arise whereby it would be reasonable to allow a person to hold more than 50 acres of high land in order that he might be in a position to work his block with a reasonable likelihood of success, but as the Act now reads there is no power whereby the Land Board or the Minister can permit more than 50 acres of irrigable land to be held in the high land areas.

The amendments to section 25, made by clause 4 of the Bill, serve two purposes: firstly to grant authority for settlers in high land areas as well as those with reclaimed land to hold more than 50 acres and up to 100 acres if justified by circumstances, and, secondly, to relate the limitation of 50 acres to ratable land rather than irrigable land. This means, of course, that the class of land that is to be taken into account is more clearly defined than at present. Land that is watered only by means of special irrigation and is therefore not ratable or "entitled" to a regular water supply will not be counted towards the acreage limitation. To this extent the amendment provides for a more generous application of a limitation of areas clause for both reclaimed and highland areas and, as stated earlier, it puts both reclaimed and high land areas on exactly the same footing.

For the same reasons as in connection with the amendments to section 25, the limitation of areas in section 26 (amended by clause 5) is related to the area of ratable land rather than irrigable or reclaimed land. Clause 6 of the Bill amends section 43 of the principal Act, which empowers the Minister to grant licences to take timber, stone, etc., from unleased Crown lands in an irrigation area.

The amendment extends the power to cover land comprised in a miscellaneous lease, a power which is already being exercised. It is considered desirable to make express provision in this regard.

This amendment extends the power to issue licences to take timber, stone, etc., from land comprised in a miscellaneous lease, a power which is already being exercised. Clause 7 of the Bill amends section 50 of the principal Act, which provides that persons of any Asiatic race who are not subjects of the Queen cannot be lessees under any lease issued under the Act. It is out of keeping with modern thinking throughout the world that such discriminatory provisions should exist, and indeed there are international conventions on the subject. It is desirable that Australia should not lag behind other countries in having such provisions on its statute book. Accordingly this particular disqualification is removed.

The Hon. C. R. STORY (Midland): It is very late in the piece to be receiving a measure of this nature. It seems to me that having given a great deal of time to social reform we have just got around to dealing with the primary producers. I do not doubt that on the files of the Lands, Agriculture and Engineering and Water Supply Departments there are many letters seeking further amendments to various measures that people have been told cannot be dealt with this session because no time is available; yet we are to prorogue earlier than we have done for a long time.

The Hon. A. J. Shard: Three years ago we did exactly the same.

The Hon. C. R. STORY: We may have, but we probably dealt with matters in their right order.

The Hon. D. H. L. Banfield: That is a matter of opinion.

The Hon. C. R. STORY: It may be, but this Bill will have far-reaching effects. The districts of Cooltong and Loxton were specifically mentioned in the second reading explanation, and the main provision of the Bill is to enable a settler to hold 100 acres of irrigable land as against the 50 acres he is permitted to hold at present. Just how a settler in Cooltong or Loxton will be affected by this I cannot imagine. They are struggling to get an existence from the country they already have and are not doing very well at present-day prices. Particularly they are affected by salinity.

Although it is nice just before an election to propose increasing the permissible limit from 50 to 100 acres, it is not very practicable now because we have had to put the brake on issuing further water licences in the Renmark Irrigation Trust area since February. People there applied for an additional 500 acres to try to get a living area. Now we are proposing to give an additional 50 acres, much of which will be high land. Some of that land will not be planted.

Where we shall get the water to implement this scheme I do not know. By and large, the areas in the scheme have for some time been too small and a person who can specialize in one particular commodity today and can modernize in that commodity will be doing much better than his neighbour with three different commodities. The whole area is highly over-capitalized, and this measure will give people with initiative and finance an opportunity to expand. However, I do not think many people will be in a position to take advantage of this scheme. There is nothing wrong with it. There are various features that I may deal with during the Committee stage but, generally speaking, the increase from 50 to 100 acres will be welcomed in the Government irrigated areas.

I hope the Government is taking note of the hemming in of the towns in the irrigation areas. Where they are under Government control, there is always a dearth of building blocks. A suitable area should be handed over to the councils to give them an opportunity to make land available at any time for people wanting to build there or to offer them to industry. This has been a bugbear for many years. I sincerely hope that this problem will receive attention when the next Minister is in a position to amend this legislation further.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

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

(Continued from October 31. Page 3197.)

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

That the Committee do not insist on its amendments.

The amendments would defeat the Bill's purpose and affect other legislation already passed this session. I have previously said that the Committee should not carry the amendments because of their ramifications. I repeat that

the amendments would defeat one of the purposes of the Bill, namely, that no land should be capable of being separately owned unless it is an allotment or an undivided share of an allotment. This is an important matter. Under the principal Act we are asking for the full co-operation of councils, which co-operation they are giving. Much work has been done in many council areas towards development and redevelopment. If we do not receive the councils' co-operation this legislation will be a failure. Any council that adopts the provisions of the Building Act will have to approve of these double units. A subdivider whose application was rejected by the authority could still build these units outside of any control. This could tend to create slum areas.

Already there is considerable activity in an endeavour to defeat or get around the Act. Some applications for subdivision in respect of more than 20 allotments have been withdrawn after being approved and new plans have been submitted in respect of a lesser number. This has been done simply because, where the number exceeds 20, 12½ per cent of the area has to be reserved for recreational purposes or the appropriate amount has to be paid to the authority. If the land is reserved it is dedicated to the council. If, however, the equivalent amount is paid to the authority, it is used by the authority in the provision of recreational areas.

A subdivider in the metropolitan area has found that it is cheaper to pay this amount than to provide the land. By doing this he avoids the obligation to provide open areas. These things are going on. If this Committee adheres to its amendments, there could be wholesale development of these units without there being any control whatever. Whereas we want orderly development, this type of uncontrolled development could lead to the creation of slum areas. I ask the Committee not to insist on its amendments.

The Hon. C. M. HILL: In opposing the motion, I wish to rebut some of the statements the Minister has just made. He claims that some people can get around a refusal of a subdivision by erecting home units. He said that no-one had any control whatever. It is not true to say that, because the councils have control under the Building Act.

Let us assume that an application was made to subdivide a block in the metropolitan area into three separate allotments and that the application was refused by the Director of Planning. If the owner proceeds along the lines the Minister has suggested and builds three units on that site, his building must conform in every way with the provisions of the Building Act. That building would have to comply in the same way as would a flat building: a certain area would have to be left for car parking space, the building would have to be a certain distance back from the road, and it would have to be of a certain kind of construction. Therefore, there is control over that building.

I cannot see any force in the Minister's arguments that this man is committing some offence just because, after being refused approval, he gets around the problem by building units. The Minister has dealt with the larger parcels of land, but I do not think his point has any relevance to home units, which mainly are built fairly close to the centre of the metropolitan area.

I agree that this Bill was necessary to make the strata titles legislation effective. We have already amended the Land Tax Act and the Local Government Act, and I think this is the last Act that has to be amended so that the strata titles legislation can be proclaimed. The only point in which that latter legislation conflicts with the Planning and Development Act is on the question of either two or three units. The Planning and Development Act applied to three or more units, whereas the strata titles legislation applied to two or more units, so uniformity had to be established.

My amendment, which is on a different matter altogether, does not prevent that. The amendment has been necessary because the legislation forces all builders to obtain the approval of the Director of Planning when they wish to build a block of home units.

I say that the building industry generally does not want this. Already many builders, and other people, too, have bought copies of the strata titles legislation, and I assure the Minister that many people in this city are objecting strongly to it. This applies not only to builders but also to agents, who have to sell these units, and to solicitors, who have been involved in legal work regarding ownership of units. Developers also are objecting to it.

It is mainly the small builder that I am concerned about. Such a person might buy a block of land and wish to put three or four units on it. The strata titles legislation is too complex, too expensive and too time-consuming for the small builder. He wants simplicity and he wants choice as to what form of ownership he wants to place his units under.

He does not want to be regimented by the Director of Planning and forced into either accepting a strata titles system or not going on with his proposition.

My amendment is designed to give that builder the opportunity to go forward with the simple and traditional method of ownership if he so wishes. Such a person objects to paying up to $100 a unit to the Director of Planning, as he would be required to do if this motion were carried. He objects to it because it is a capital tax. To the small builder, who is up against it now in his building operations, the selling price of his units is the all-important thing.

He would have to endeavour to pass on this extra taxation. He is concerned about his whole business operations, especially at present. Some small builders, who in the last year or two have been forced to build in this sector of the building industry as they have not been able to operate in ordinary house building because of the state of the market, will go out of this sector and terminate their operations if they are forced to apply to the Director of Planning and to place their units under this strata title system.

I need not emphasize the present condition of the building industry. There was a report in yesterday's *Advertiser* headed "Building still at low ebb", and one paragraph stated:

The total of all new dwellings started in the latest quarter was 2,310 as against 2,409 in the preceding quarter.

Also, the Director of Planning has power under section 36 of the Planning and Development Act to bring in regulations to exercise this control if he so wishes; but he seems to be impatient to gain this extra control, as a result of which the building industry will suffer further. It is a glaring example of the Government's not fully appreciating the need to encourage the building industry and to get it back on its feet. I urge the Committee to oppose the motion.

The Hon. S. C. BEVAN: The honourable member has made plain to the Committee the purpose of his amendments: councils are to have no control in these matters. His amendment takes away from the councils the control that the Bill gives them. Provided that these units comply with the Building Act, a council will have no alternative but to consent to the building; it will have no control over it whatsoever. The honourable member says that builders will still have to comply with this, that and the other; but if the amendments are accepted they will be exempted so that they will not have to comply with anything other than what is laid down in the Building Act. Regulations were mentioned in the second reading debate, but we cannot regulate something that would be *ultra vires*. How can regulations be made about things excluded from the Bill? The honourable member is concerned principally about one section of the industry—the selling agents.

The Hon. R. C. DeGaris: He did not say that.

The Hon. S. C. BEVAN: I did not say he said it, but that is the position as I see it. This matter is now for the Committee to determine. That is all I can say about it.

Motion carried.

MINING (PETROLEUM) ACT AMENDMENT BILL

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

(Continued from October 31. Page 3185.)

Amendment No. 2, which the Hon. L. R. Hart had moved to amend by inserting before "sections" the words "section 49 and".

The Hon. L. R. HART: I moved an amendment, which went to another place, where it was amended. The House of Assembly spelled it out more satisfactorily, because it was felt that the wording of my amendment made it impracticable to put the provision into operation. I am happy to accept the House of Assembly's amendment, but I have moved to amend it by inserting "section 49 and". The effect of my original amendment (and this has not been altered by the House of Assembly's amendment) was to provide landowners with a knowledge of their rights under this legislation. The amendment as it stood and as it still stands gives the landowner a knowledge of his rights only in respect of compensation; but under the principal Act he has other rights, one of which is the right to refuse entry on to his land. That is an important right of which he should have knowledge. The Government has accepted in principle that the landowner should be acquainted with his rights. By this further amendment, I am not altering the principle of the amendment that has already been accepted by the Government; I am merely adding to it. I do not wish to hinder the activities of exploration companies, but the amendment will not do that: it will merely ensure that the landowner is informed of his rights under the Act.

The Hon. S. C. BEVAN (Minister of Mines): I seek a ruling, Mr. Chairman, as I contend that the amendment brings in new matter and is not in order.

The CHAIRMAN: I have not studied the effect of the amendment, but I shall be glad to hear the Minister on this point.

The Hon. S. C. BEVAN: I do not accept the amendment. The Hon. Mr. Hart said last night that I had informed him that I would accept the amendment, but I certainly do not accept it.

The Hon. L. R. HART: Do you accept the amendment moved in another place?

The Hon. S. C. BEVAN: I moved that it be accepted, and the honourable member then moved to amend it. We were dealing with the rights of a landowner regarding compensation. The amendment accepted by the Committee was to insert the following subclause:

> (3a) Every notice under this section shall specify the rights, under this Act, of a person having an estate or interest in the land, to compensation for the injurious affection of the land in consequence of any operations conducted, or other action taken, by the licensee in pursuance of the licence or this Act;

Another place accepted the principle with regard to the notification to the landowner or his representative of his entitlement to compensation. Sections 75 to 80 of the principal Act deal with compensation. Section 49 (1) provides:

A licensee shall not be entitled to enter upon or conduct any operations upon any of the lands hereunder mentioned unless he has first obtained the consent in writing of every owner and occupier of that land, or, in the case of an appeal, the consent of the Minister. The lands referred to above are the following:

(*a*) Land lawfully and *bona fide* used as a garden, orchard, vineyard, or dairy farm;
(*b*) Fields cultivated for the production of crops;
(*c*) Pasture land which has been top-dressed or sown with any plants or grasses for pasture;
(*d*) Land used for the playing of any sport;
(*e*) Land forming the site of any building, artificial well, reservoir, or dam, where that building, well, reservoir, or dam is of the value of fifty pounds or more, and any land within one hundred and fifty yards of any such building, well, reservoir, or dam;
(*f*) Any land within one hundred yards of any spring, watering trough, or artificial watering place which is habitually used for stock.

This has been in the Act since 1940, and I submit that the owners are well aware of the conditions that have been in the Act for 27 years. Not once has a licensee attempted to move on to any of these lands and commence operations. The Hon. Mr. Hart's amendment will place a further imposition on companies exploring for oil and gas. We do not want to place additional unnecessary burdens on them, because I should like to see more exploration work being done. Only two companies are actively operating now, but we want more. The two companies operating in the State have large holdings in other States. Previously they have left the State and gone to other States, but I have been able to get them to return here and continue their operations.

The companies are aware of the provisions of section 49. Under the honourable member's amendment, if a licensee attempted to do anything that was a contravention of the section the owner would immediately say "No", in which case I would be the person to arbitrate, but there has been no necessity for this. This Council's amendment has been more adequately defined as a result of an amendment in another place. I do not accept the amendment to the amendment, and I hope that the Committee will not accept it.

The CHAIRMAN: After examining section 49 I am unable to rule out the amendment as being irrelevant. I think it is related to the amendment, which relates to operations in connection with the exploration for or the production of petroleum. I think the matter has already been opened up; therefore, it is competent for the Committee to make its own decision.

The Hon. S. C. BEVAN: I bow to your ruling, Mr. Chairman.

The Hon. L. R. HART: I do not agree with the Minister when he says we are only placing further restrictions on the mining prospecting companies. All I ask is that they give notice of the rights of the landowner. It is accepted by the Government that prospecting companies should give notice in writing of claims for compensation, and it is only reasonable that they should be given similar rights concerning entry to land. This places no restrictions on prospecting companies because the landowner at present has the right to refuse entry.

The Hon. R. C. DeGaris: The Minister said that they knew all about it, anyway.

The Hon. L. R. HART: That is so. This amendment is to protect the small man. Most of the prospecting in this country up to date has been done in the wide open areas and

there probably has not been any need to restrict entry. However, in future much of the prospecting will be carried out near the smaller holdings. I always thought that the Labor Party was the champion of the small man, but it will be acting out of character if it is not prepared to accept this amendment. I ask the Committee to accept the amendment.

The Hon. L. R. Hart's amendment negatived.

House of Assembly's amendment agreed to

PUBLIC SERVICE BILL

Adjourned debate on second reading.

(Continued from October 31. Page 3193.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise to support the second reading of the Bill and also to endorse the views expressed yesterday by the Hon. Mr. Potter and the Hon. Mr. Gilfillan. I do not wish to speak on matters dealt with by them, but I wish to draw attention to comments made by many honourable members during the Address-in-Reply debate. With those honourable members I wondered whether in this session the Government would face its responsibilities concerning finance, but as the session has proceeded it has become obvious that the Government has no intention of facing its financial responsibilities to the State. We have seen it pursue, without taking into consideration the fact that the budgetary deficit was about $4,000,000, legislation that can only add a great deal to the strain on our economy.

The Chief Secretary said yesterday that this Bill, in its annual leave provisions for the Public Service, would correct an anomaly. I think every honourable member realizes that, far from correcting an anomaly, it creates one. State public servants have better leave conditions than those enjoyed by Commonwealth public servants. I am in complete agreement with the views expressed by the Hon. Mr. Gilfillan and the Hon. Mr. Potter about four weeks' annual leave together with pro rata long service leave after five years' service.

I also desire to draw the Minister's attention to certain other matters, mainly as they affect officers of this Parliament. Section 57 of the existing Act reads:

(1) Every officer shall retire on attaining the age of sixty-five years in the case of a male officer and sixty years in the case of a female officer:

(2) Notwithstanding the provisions of any Act as to the tenure of office of any officers appointed thereunder subsection (1) of this section shall apply to all persons in the employ of the Government of the State, except the Judges of the Supreme Court, the Judge in Insolvency, the President of the Industrial Court, and the Clerks of the Legislative Council and the House of Assembly.

(3) Notwithstanding subsection (2) of this section the Clerks of the Legislative Council and the House of Assembly shall retire on the thirty-first day of March next after they respectively attain the age of sixty-five years.

The Bill before this Council provides for a retiring age for officers holding office under the Public Service Act but not for any other person in the service of the State. Clauses 107 and 108 read:

107. Every Officer—

(*a*) in the case of a male Officer, having attained the age of sixty years shall be entitled to retire from the Public Service but may, subject to this Act, continue in the Public Service until he attains the age of sixty-five years; or

(*b*) in the case of a female Officer, having attained the age of fity-five years shall be entitled to retire from the Public Service but may, subject to this Act continue in the Public Service until she attains the age of sixty years.

108. Where an Officer being a male attains the age of sixty-five years or being a female attains the age of sixty years and in the opinion of the Board it is in the interests of the State that the Officer should continue in the performance of the duties of his Office and the Officer is able and willing to do so, the Board may approve the Officer continuing in Office for a period not exceeding twelve months otherwise every Officer on attaining the age of sixty-five years being a male or sixty years being a female, as the case may be, shall retire from the Public Service.

Although it is believed that at some future time the Public Service Board will request the Governor to issue a proclamation bringing Parliamentary officers under these clauses, I point out that such a proclamation cannot provide for the same retiring age as is contained in the present Act; it can only provide for the adoption of the new provisions. However, section 57 (3) of the present Act was especially inserted in 1951 because the Parliament, after deliberating on this point, considered that the two senior officers of Parliament should retire on a specific date most convenient to the Parliament, namely, the 31st day of March next after they attain the age of 65 years. I would like the Minister to examine this matter.

There is a further matter I would like to raise concerning officers of Parliament. It concerns those who were deemed to have held office under the Public Service Act immediately before their transfer to the service of Parliament.

One such matter relates to the filling of vacant offices under the Public Service Act; the relevant provision is section 52, which states:

Whenever a vacancy occurs in any office, if it is expedient to fill such vacancy, the Commissioner may recommend any person in the employ of the Government of the State—

I emphasize the words "in the employ of the Government of the State"—

for appointment to such vacancy, regard being had to the relative efficiency or, in the event of equality of efficiency of two or more applicants for the vacancy, to the relative seniority of those applicants.

Division 5 of Part III of this Bill which deals with filling vacancies, is restricted to officers, the definition of whom in clause 4 includes only persons currently holding an office under the Public Service Act. The relevant clauses are 46 and 47. Under the Bill's provisions Parliamentary officers who have transferred from the Public Service under the existing law will be denied any real opportunity of returning to the Public Service in the future, a right available under the present Act. I should like the Minister to consider this question also. I should like him to consider a new clause to cover this matter along these lines:

Any officer of either House of Parliament or any person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly or under their joint control who held or was deemed to have held an office under the Public Service Act, 1936-1966, or under this Act immediately before his transfer to the service of the Parliament, shall be deemed to be an officer for the purposes of Division 5 of Part III of this Act.

Apart from these matters and the questions rightly raised by the Hon. Mr. Potter and the Hon. Mr. Gilfillan, I support the Bill.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the Bill. Just before the introduction of this Bill, the Public Service Commissioner, the Deputy Public Service Commissioner, the Public Service Association and other unions were consulted, with the result that there is near-complete agreement between the parties concerned. We can never please 100 per cent of the people; however, the Labor Party always pleases 60 per cent, which is a very good effort.

This Bill will please more than 60 per cent of the Public Service. The Public Service Association has congratulated the Government on consolidating a number of Acts relating to the Public Service. I am informed that setting up a full-time Public Service Board should have been done more than 10 years ago. I commend the part-time board for the very good job it has done over the years. However, with the growth of the Public Service and the added demands made on the two part-time members, the present board has had to work very hard. Setting up a full-time board will relieve the burden and improve the efficiency of the Public Service.

Some honourable members have been concerned about the provision of pro rata long service leave after five years' service. Their other main concern was the provision of four weeks' annual leave for public servants. Under the present Act recreation and long service leave are privileges, not entitlements. This Bill makes them entitlements, as is the case for most other employees except agricultural workers, who get what the farmer is prepared to give them (not always in accordance with the promises made to them).

The inclusion of pro rata long service leave is in accordance with the Government's policy and with the promises made before the last election. The Hon. Mr. Potter congratulated the Government on putting its promises into effect. He can be assured that, had it not been for certain amendments made by himself and his independent colleagues (all of whom, incidentally, are members of the Liberal and Country League) the Government would, by this time, have put into effect 98 per cent of the promises made before the last election. I remind honourable members that we have five months to go before the election, at which we will be returned as the next Government. Eighty-six per cent of the Labor Government's three-year term of office has expired, and the Government has already put into effect 95 per cent of its promises, so it is well in front. We said we would put our promises into effect and we have done so. What Labor promises Labor will do.

For many years public servants have enjoyed many privileges not enjoyed by other employees, but they have also had to put up with certain restrictions not imposed on other employees. Consequently, it was believed they were entitled to certain added privileges. For many years public servants enjoyed three weeks' annual leave—as a privilege, not as an entitlement; this amount of leave compares with two weeks' annual leave granted as an entitlement to employees in general industry.

Over the years the privileges of public servants have become entitlements to other employees, without any added privileges being given to public servants. Consequently, the Government is providing four weeks' annual

leave instead of three weeks' leave, and it is also providing pro rata annual leave on a monthly basis. At present, annual leave—as a privilege—has been given to public servants only on an annual basis, and there has been no provision for any pro rata leave. The present proposal is in line with provisions in most other awards.

The Public Service Association is fully aware that when this Bill is passed some of its members will receive only two extra days' annual leave, because at present public servants may be granted three grace days during the Christmas shutdown. However, the association is pleased that the provision of grace days plus two other days will now become an entitlement, not a privilege.

Under the present Act there is a ceiling to sick leave benefits of 16 weeks. The Bill removes that ceiling; this will protect the conscientious worker who uses his sick leave only when it is really necessary to do so. It will make it less likely that employees will take sick leave in order simply to avoid losing some accumulated leave.

I believe sick leave is an entitlement that should be used only when a person is sick. If there is a ceiling on sick leave credits a person may believe he is being robbed if his credit has reached the ceiling. The removal of the ceiling is a wise provision that will be of great benefit to the conscientious worker. I think the Bill will do something that should have been done years ago. It consolidates the various Acts, and because it has the support of the people concerned it has my approval. I support the second reading.

The Hon. C. D. ROWE (Midland): I had not intended to speak on the Bill but I think I should say one or two things about it. I agree with everything that has been said regarding the efficiency, the integrity and the high standard of the Public Service of South Australia. I had an opportunity in years gone by to work fairly closely with members of the Public Service, and I say without fear of contradiction that the standard of our public servants, their dedication to duty and their appreciation of their responsibilities is not equalled anywhere else in Australia. I would be prepared to substantiate that statement anywhere.

One purpose of the Bill is to extend the term of recreation leave for these people. Recreation leave means what it says, namely, an opportunity at the end of the year's work for a person to have a break in which he can recover physically and mentally from the strain of the year's work. I am not convinced that one month is necessary to achieve this recuperation. I have not been able to afford a month's holiday for years, and I have never been able to arrange to get a month's holiday every year.

The Hon. D. H. L. Banfield: If you joined an association it would get it for you.

The Hon. C. D. ROWE: I do not think it is reasonable to say that with the standard of hours of work that we have and the responsibilities that are carried today a person needs more than three weeks to enable him to stabilize himself and to come back to work feeling that he can carry on and do his work 100 per cent efficiently. I know the difficulties that arise. Looking back over my own life I can see periods in which I was working only to 80 per cent efficiency, or even less, because I was exhausted both physically and mentally. I agree that that is a bad thing from every angle: it is bad for those with whom I have to work, and it is bad for me. I think that given normal health three weeks is an adequate period for recreation leave. Therefore, I personally am not disposed to make the length of leave greater than that.

If I had to decide whether I would give a person an extra week's recreation leave or whether instead I would give him some improvement in some other facet of his employment, such as wages and general conditions, I would choose the latter. I think that what people are looking for today is not extra leave or time off but extra emolument and extra reward. That is the way in which I would approach this matter.

I do adopt the arguments that were used by other people that this is an inappropriate time, because of seasonal and economic conditions, to bring in this legislation for extra leave. However, that is not my real objection to it, although I do say that many of my constituents who are farmers in various parts of the Midland District certainly will not be able to contemplate three weeks' annual leave this year. They will have the job in front of them to maintain their wives and families, and it may be a long time before they will be able to contemplate three weeks' annual leave. I think we should consider this matter carefully.

The other point I wish to raise is the most important aspect of my speech. Although the Government does not seem very concerned about this subject, it is always a question that I ask myself. If I am going to contemplate

something that may be regarded as an additional benefit and advantage, the first thing I ask myself is: can I afford this? My question to the Minister is this: where does he propose to get the extra $1,750,000 (if that is the figure) to pay for the benefits provided under this legislation? There is no suggestion as to where this is coming from. The Government has used a certain amount of its trust funds, and there is no proposal as to how that is going to be repaid: it still remains completely unanswered.

We have increased taxation fairly heavily over this Government's period in office. With the season going the way it is, I cannot see some of the Government's items of revenue reaching the figures it expects. Railway revenue will certainly be down. This $1,750,000 has to come from somewhere, and I think I am entitled to know where the Government expects it to come from. What new methods of taxation are to be imposed to raise this amount? We cannot just chalk it up and say that the overdraft will go up that much: there has to be an arrangement about it. This is what worries me about the Government we have at the present time. Almost every day we are passing Bills that create an additional liability on the Treasury, and there does not seem to be any answer to any of these things. I do not think the Minister knows at the moment what taxation he is going to impose to pay this additional bill. He certainly does not have a surplus from last year's operations.

Are we going to have an increase in land tax, in railway fares and freights, in water rates, and in succession duties? This is a pertinent question. When I am trying to manage my own affairs (which is difficult enough to do) and I want to contemplate some further expenditure, the first thing I do is to say: where is this money to come from? This question is not answered with regard to this Bill or with regard to many other Bills that are placing additional imposts on the Treasury.

In the absence of an answer from the Minister to this question of where this money is to come from, the only conclusion I can come to is that the Ministers have decided that it will not be their responsibility to solve the financial problems of this State in a month or two's time, and if they are expecting that after that time they will not be responsible I suggest that now is the time to look at the matter. If the Government has decided that it will be not its responsibility but someone else's, I ask it to have a little consideration for its successors, as was the case with the previous Liberal Government. Despite television interviews, and despite statements that have been made that the Treasury was empty at the time this Government took over, everyone knows that there is a certificate that is recorded in *Hansard* under the hand of the Under-Treasurer to say that the finances were in order. Also, everybody knows that the trust funds were in order.

I deprecate public statements that are made reflecting unfairly on the former Liberal Premier, to say nothing of his Ministers. I think we have to get out of this world of hallucination and back to the ground, and that we have to realize that we do not run the State of South Australia by a public relations escapade. We do not develop South Australia by promoting the sale of coffee beans. Different issues are involved. The people of South Australia do not want a show pony to run their affairs: what they want is someone who will get the State going again, someone who will not make a commitment before he knows he can meet it but will have some regard for sound economic principles. We have a Government introducing a Bill that will put up expenditure by $1,750,000 a year—

The Hon. R. A. Geddes: As a minimum.

The Hon. C. D. ROWE: Yes. It is putting up expenditure by that amount, with no proposal about how it is to be financed. In that regard it is extremely reckless, and I think it will need better public relations men than it has to get out of the valley (I nearly said "crease") into which it has fallen. I am certainly not playing cricket in this matter, for cricket is a sport, whereas the business of running a State is a serious business.

I see that the income of our Housing Trust has gone up by only 7 per cent while its expenditure has gone up by 8 per cent. I see that the margin of our Electricity Trust, which has a capital of $300,000,000, is reduced from about $900,000 to about $500,000, which is getting into the "red".

I see our economic situation and the fact that there has been no worthwhile expansion in South Australia's economic sphere in the last two-and-a-half years; I see the numbers of migrants coming to South Australia gradually declining. The State is falling apart, and it will not be jacked up by the Government's trying to give temporary hand-outs to people in the hope that it will gain a few votes. No—this must be run on a different basis, with a proper appreciation by the Government of its responsibilities. Some people in this State who imagine that their best interests are being

served by accepting hand-outs and taking chocolate-coated pills have another think coming to them. I am worried about these things, just as the business people are, who ask, "When shall we get some financial stability in the State? When will there be an end to increasing taxation, and a balance achieved between the amount of money being spent and that being earned?" By what means does the Minister propose to find the additional $1,750,000 to enable this Bill to achieve its object?

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I listened with much interest to the Hon. Mr. Rowe. It is easy enough to say what he has said without having to produce figures to support the statements he made about increased taxation. Figures can be produced to show that taxation in this State has not increased to the extent that it has increased in those States with Governments of a political colour similar to that of the Hon. Mr. Rowe. It has always been the cry in this Council when we talk about improving benefits for people who earn their living as wage-earners, "Now is not the time." It has been asked in this case, "Where is the money coming from? This will cost $1,750,000." I remind honourable members that that figure is an estimate based on the taxed wages and salaries of people employed in the Public Service. It was based on the fact that, if we increased the leave by one week, it would mean an increase in a ratio of 1 to 45; therefore, if we consider the likely increase in the cost of salaries of public servants resulting from having to replace one person in 45 because of the extra week's leave, we arrive at this figure of $1,750,000.

That was the only figure that was worked out, and that was the basis used. No account was taken of the three grace days at Christmas for public servants because of Government departments closing down, which meant they were off duty for more days than there were public holidays. This was an estimate. It is not a minimum figure: possibly, it is a maximum figure. We all know that, when a public servant is absent from duty on annual leave, another person is not always employed to take his place. The honourable member knows what happens in the Public Service about annual leave. In many instances the public servants remaining in the office shoulder the extra burden caused by those away on annual leave. That happens in my own office. We all know it, so the honourable member is making a lot out of nothing.

The Hon. R. C. DeGaris: I think we are reasonable in assuming that this estimate is correct, on the basis of the figures given by the Premier.

The Hon. A. F. KNEEBONE: But I said it was an estimated figure. As regards the other matters raised, it is simple enough to get up in this Chamber and say, "There has been no industrial development in this State since this Government assumed office." That is a complete fallacy; it is not true, and the honourable member knows that.

The Hon. Sir Arthur Rymill: But what about the migrants coming to South Australia? Give us an example of some industrial development.

The Hon. A. F. KNEEBONE: Something is happening next Friday as a result of what we have done.

The Hon. Sir Arthur Rymill: But that is normal expansion. Give us an example.

The Hon. A. F. KNEEBONE: Many things could be mentioned. There is the fantasy about public relations that we got over Channel 7 *ad nauseam*, for days and weeks on end in other days—"How many of these things will ever come to fruition?" It is easy enough to spout words, but it is actions that count. What about the paper pulp industry, what about the deep sea ports that we were going to get? We know what was the result of the public relations people producing words for the Premier in the last Liberal Government, so do not talk about public relations. We know all about it. We have seen how members opposite fared when they were in office.

As regards migrants, it is all very well to quote some of the figures, but look at the figures produced and quoted in this State the other day. For the last full year of the Liberal Government, the rate of migrant intake was lower than for the last completed year in South Australia. In 1964-65 the figures could have been different, but in the last full year of the Liberal Government migration to this State was at a lower rate than for the last completed year; so members opposite should give all the figures.

Before it came to office, the Government promised this extra leave to the Public Service. Public servants deserve it. Members opposite say, "Oh, yes, they deserve it, but let us have pie in the sky. We cannot have it yet." If the honourable member who is now trying to interject looks around and sees what happens in regard to legislation coming to this Chamber and what is done by public servants who are associated with me and other Ministers, he

will find that they are working just as long hours as members of Parliament work—and even longer.

If they are not entitled to extra leave I do not know who is. Members opposite say that this Bill will give public servants something more than people employed by the Commonwealth and other States get. That may be so in respect of leave but public servants in South Australia are worse off than those in some of the other States in regard to wages and salaries. This Bill will improve their lot in that respect. As honourable members know, within the Public Service are people who could get infinitely better salaries outside than they are now getting, but they are so dedicated to the job they are doing that they stay in the Public Service and make it a career. Tell me what people like the Under Treasurer could get working for private industry. Tell me what other public servants could get elsewhere.

The Hon. C. D. Rowe: Where is the $1,750,000 coming from?

The Hon. A. F. KNEEBONE: This will be provided for in the same way as the Playford Government provided for increases awarded by tribunals. It will come from the same place as the money would have come from to meet what Premier Playford promised in the negotiations relating to service pay. He did not go as far as we did, but he offered to pay something. Where would his Government have obtained the extra finance? From added taxation? No.

The Hon. Sir Norman Jude: The point is that the Government obtained it and balanced the Budget.

The Hon. A. F. KNEEBONE: It is wrong when this Government does it, but it was right when the Playford Government did it.

The Hon. D. H. L. Banfield: The Liberal Government used trust funds without the knowledge of its Attorney General.

The Hon. A. F. KNEEBONE: When the honourable member criticized this Government for what it did with its trust funds he thought he was in the clear, but he fell into the trap, when answering and asking questions, because he found that his Government had done the same thing as this Government did. All he said was, "We made arrangements to pay it back."

The Hon. D. H. L. Banfield: The Attorney-General in that Government did not know anything about it.

The Hon. A. F. KNEEBONE: Much has been said about long service leave and pro rata leave. We get applications every day in the week from people who have served the Government well but, as they have been employed for, say, nine years 11 months and 20 days they do not get long service leave. It is all very well to say that these cases can be treated on their merits, but where should the line be drawn? Should it be a strict line so that a person who has worked one day less than 10 years does not get long service leave but a person who has worked one day more than 10 years gets it?

Pro rata long service leave is nothing new. The Act does not provide for pro rata long service leave, but in every other State provision is made for pro rata leave for people who are forced to leave their employment because of illness or a pressing domestic reason. We are providing pro rata leave so that people can gain this benefit. Pro rata leave will be given to people who have served for more than 5 years, but only in a case of pressing necessity or for some other reason stated in the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 34 passed.

Clause 35—"Other duties allowance."

The Hon. F. J. POTTER: The Bill departs from the present Act in connection with the payment of higher duty pay, which is payable when an officer temporarily performs duties in a senior position. The Bill provides that where an officer performs those duties for more than one week he may receive payment of the minimum salary for the position he is temporarily occupying, whereas the Act provides that this must be done for four weeks. This provision does not apply to recreation leave so that, in effect, if a person is performing higher duties while somebody is on recreation leave for three or four weeks, he does not receive the higher duty pay. One week is too short a time for the officer to qualify for extra money in cases where the senior officer may be away sick.

The Hon. S. C. Bevan: It is at the board's discretion. The Bill does not say it shall be paid.

The Hon. F. J. POTTER: I realize that. The position is the same now. There is no inherent right. I consider that the four weeks provided in the Act is a much more realistic qualification period for higher duty pay. If an officer is able to perform higher duties while another officer is on recreation leave,

an officer acting in a temporary capacity for other reasons should not be entitled to apply for higher duty pay in a shorter period.

The Hon. S. C. BEVAN (Minister of Local Government): This clause removes an anomaly that has existed for many years. Industrial awards in this State and in the Commonwealth have mixed functions clauses under which an employee performing higher duties is paid at the higher rate from the time he is employed on those higher duties.

The Hon. Sir Norman Jude: What is the minimum time applicable in that case?

The Hon. S. C. BEVAN: He is paid for the whole of the time.

The Hon. Sir Norman Jude: Even for one day?

The Hon. S. C. BEVAN: Yes.

The Hon. A. F. Kneebone: Sometimes for even one hour.

The Hon. S. C. BEVAN: This is common in industry. It is still at the discretion of the board whether higher duty pay is allowed, because the clause expressly provides that the board may consider after one week whether to pay the public servant extra for doing a higher classified job.

The Hon. R. C. DeGaris: Does the word "may" give the board discretion?

The Hon. S. C. BEVAN: Yes; it is not mandatory.

The Hon. Sir Norman Jude: An office boy may act as secretary for a week. Don't you think that would be valuable experience for him?

The Hon. S. C. BEVAN: That is where discretion can be used. In such a case, no doubt the board would immediately reject an application for higher duty pay. The Bill deals with classified officers. It is anomalous that a workman in industry is entitled in one day to higher duty pay but a public servant has to work for one month to become so entitled. The clause excludes higher duty performed while an officer is on annual leave.

The Hon. Sir Norman Jude: You are not suggesting that in industry the secretary gets higher pay when the manager is away?

The Hon. S. C. BEVAN: I am not saying it applies to executives; I said it applied to workmen under Commonwealth and State awards, but managers and secretaries are not covered by awards of a court.

The Hon. F. J. Potter: Public servants are not like people under awards.

The Hon. S. C. BEVAN: Those awards apply to workmen in industry, but it seems that honourable members opposite do not want the same conditions to apply to public servants.

The Hon. H. K. KEMP: I have heard two gratuitous insults to public servants this afternoon. The first was when the Hon. Mr. Banfield implied that standard behaviour was for a public servant to take unwarranted sick leave immediately he had accumulated a maximum credit of such leave, in order not to lose that entitlement. I do not think anything is more grotesquely untrue of a senior public servant, and it would not apply to most junior officers. If that practice became prevalent I am sure it would be promptly stopped by the officer in charge of the department and the offender would be disciplined.

The second insult was the assumption that in dealing with public servants we are dealing with people who have the status of forklift truck drivers and those in the lowest grades of industrial awards. I think this is an instance of the poor thinking of the Government. Does it realize that the majority of people in the technical sections of the Public Service spend a great deal of time in other States attending conferences in an endeavour to improve methods? I believe the present Government has continued the policy of the previous Government in endeavouring to expand and encourage such movement of officers. In many instances this has resulted in a head of a department or branch travelling to other States two or three times a year, and the officer next in line automatically stepping up in salary to his superior's level.

This Bill seems to be drafted with the intention of dealing mainly with junior clerical officers; I am sure of that, because discretionary power has been left with the Public Service Commissioner. Certainly if the provisions are retained they will prove more costly and disturbing than has been envisaged by the Minister.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I thought when the honourable member rose to champion the public servant he was concerned about better conditions for them, but apparently he wants them to work longer hours and harder so that work can be done more cheaply. This is another instance of better conditions applying in the private sector than apply in the Public Service.

The Hon. H. K. Kemp: But the Public Service is a career industry.

The Hon. A. F. KNEEBONE: Then why did the honourable member leave it?

The Hon. F. J. Potter: What public servant can get better conditions outside?

The Hon. A. F. KNEEBONE: I know another person who left the service to get better conditions outside and this is multiplied thousands of times.

The Hon. F. J. Potter: It was true at one time, but not today.

The Hon. A. F. KNEEBONE: There is evidence even in this Council and in the other place. However, when the Labor Government realizes this and endeavours to improve the conditions of public servants, everybody jumps up and opposes it.

The Hon. R. C. DeGaris: Can the Minister not say that the reverse applies, too?

The Hon. A. F. KNEEBONE: It has been said that we must keep costs down in this State. From my wide experience I believe that employees experience better conditions outside the Public Service, because over-award payments can be made outside it. I have looked at the wages of people outside and at the size of over-award payments; such payments are paid both in South Australia and in the Eastern States, but they are infinitely higher in the Eastern States. We can carry out the proposals in this Bill without jeopardizing to any extent our cost structure relative to that of the Eastern States.

The Government cannot make over-award payments; it can pay only the wages set down. Consequently, it cannot pay an attraction wage. Before the Labor Government's coming to office, I approached the Playford Government and said, "You are losing tradesmen from the Government Printing Office and other places. Where will you get replacements?" Eventually the Playford Government was forced to send an officer to England to encourage people to migrate here; this project cost infinitely more than the cost of the improved wages and conditions that I proposed.

When I approached Sir Thomas Playford, the then L.C.L. Premier, he said, "I am sorry; we cannot give an attraction wage." People brought from overseas under the Government scheme were told, "We cannot pay you an attraction wage, but you are in a career industry; you should be dedicated and stay there." These people migrated on the understanding that their fares and the cost of transporting their furniture would be paid and that they had to remain at the Government Printing Office for two years. What happened? Go to the Government Printing Office and see how many of these migrants are there now! Why did they leave? Because they could get over-award payments and better conditions outside. Outside the Public Service, if they worked in a higher capacity than usual they did not have to do so for a month before receiving increased wages: they received a higher rate if they worked for any part of a day on higher duties. The Hon. Mr. Kemp says that we are comparing these people with the lowest grade of workmen outside. However, I ask the Committee to consider the engineers who have left the Public Service. The Hon. Mr. Kemp should look at himself—he left a Government department, and another member of this Council did so, too. Did the Hon. Mr. Kemp leave because he was being compared with someone on the lowest grade? No! He wanted to get something better.

I have a brother-in-law who did the same thing. He was not on the lowest grade either; he left the Public Service because he could get something better outside. The Hon. Sir Norman Jude said that, when he was a Minister in the Playford Government, his office boy had taken over his secretary's job when the secretary was away. I thought the Playford Government was fairly mean but I did not think that would happen.

Clause passed.

Clauses 36 to 45 passed.

Clause 46—"Vacancy in an office of permanent head."

The Hon. R. C. DeGARIS: In my second reading speech I asked some questions regarding officers of Parliament and their re-employment in the Public Service. Will the Minister report progress, or does he wish to comment now?

The Hon. A. F. KNEEBONE: The situation regarding officers of Parliament is taken care of in clause 8 (1) (*f*), which states:

> Any officer of either House of Parliament or any person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly or under their joint control.

Also, clause 8 (2) provides:

> Except so far as is inconsistent with any Act for the time being in force, the Governor may by proclamation declare that this Act or any specified provision of this Act shall from the time specified in that behalf—
>
> (*a*) apply to any of the persons or class of person mentioned or specified in this section;

So, they can be brought under the Act by proclamation, and this is possibly what we will do. If this is done it will take care of officers of Parliament.

The Hon. R. C. DeGARIS: As I do not have my notes at present, will the Minister report progress?

The Hon. A. F. KNEEBONE: Yes, I am prepared to do so.

Progress reported; Committee to sit again.

MENTAL HEALTH ACT AMENDMENT BILL (CRIMINAL DEFECTIVES)

Returned from the House of Assembly without amendment.

HOSPITALS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

BUILDERS LICENSING BILL

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

That Standing Order No. 314 be suspended to enable the Bill to be read a third time without the Chairman certifying the fair print of the Bill.

Motion carried.

The Hon. A. J. SHARD moved:

That this Bill be now read a third time.

Motion carried.

Bill passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2, 17 to 23, 28, 31 and 32, but had disagreed to amendments Nos. 3 to 16, 24 to 27, 29, 30, 33 and 34.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 31. Page 3196.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill can be divided into two distinct parts. The first part concerns the question of certain promoters of entertainment who find that they are able to get around the present Act by forming and operating as a club. I think all members know that I am referring to the places that are called discotheques. They have been formed as clubs, and while there may be some very small annual membership the entry to the club is on an attendance basis, with a person paying his $1 at the door and then going in. In this way these business organizations have been able to get around the provisions of the Act. I suppose these clubs have rules, although I would not be certain of that. However, to all intents and purposes they do not operate as one would expect a normal club to operate. Indeed, they are business enterprises, supplying a service for which one pays.

Of course, there may have been an easier way around this problem than going to this quite lengthy process to deal with these clubs, because in doing that we are bringing many other clubs within the ambit of the Act. I would have thought that even without this Bill a *bona fide* club could be quite easily defined.

One of the big problems associated with these discotheques is that not only do many people inside make a great deal of noise but also people outside who cannot afford the $1 to get in create a nuisance. This has caused considerable comment from various sections in the community. There seems to me to be sufficient power in the Lottery and Gaming Act to cover this problem. However, I think we all realize that there have been a good many complaints about the people who apparently cannot afford the admission charge and who make a nuisance of themselves on the street outside.

I agree that we should licence billiard saloons. I think all members appreciate that when the old Licensing Act was repealed and replaced by a new one the question of the licensing of billiard saloons disappeared from the Act, and I think quite rightly so. This matter has been provided for in the Bill before us, and I see no objection to that. New subsection (3) of section 3 of the principal Act is as follows:

This Act shall, on and after January 15, 1968, cease to apply to and in relation to any public entertainment for which a permit has been granted under the Licensing Act, 1967, and any place wherein that entertainment is conducted.

Section 131 of the new Licensing Act states:

Notwithstanding the provisions of the Places of Public Entertainment Act, no portion of any premises in respect of which a licence is current, or of the appurtenances thereof, shall be used as a theatre, concert room or ballroom or otherwise for public entertainment without a permit from the court and upon such terms and conditions as are imposed by the court, including conditions relating to health, safety and morals, having regard to the provisions of the Places of Public Entertainment Act and regulations thereunder.

Honourable members will recall that when this matter was before this Council we were somewhat concerned about the words "having regard to", and at that time the Chief Secretary, giving information to this Council on the matter, said:

I agree entirely with the Leader's comments. The developments in hotels in the last two or three years have caused me some worry and anxiety for the safety of the people attending those places. This applies not only to hotels but to many other places. I was very unpopular when I delicensed one establishment

(not a hotel) quite recently, but subsequent happenings proved that what I did was the right course of action. In my opinion, some hotels could provide even worse examples. One place I visited recently had 1,250 people watching a form of entertainment, and I wonder what would happen in the event of a fire occurring at a place such as that. As the person in charge of these Acts, I can say that hardly a week goes by that some action does not have to be taken in this connection.

Cabinet has had a good look at the Places of Public Entertainment Act, and I think I can tell the Leader that before this session is completed we will be introducing a Bill that will strengthen the court's hands more than any possible amendment to this Bill could do. Some people today are conducting forms of entertainment in clubs which are not protected by the law in any way. We have ideas of bringing down a comprehensive Bill to provide that people conducting public entertainment anywhere will have to comply with the conditions of the Places of Public Entertainment Act, and I hope that that legislation will cover hotels as well as all other places.

The Hon. A. J. Shard: I hope the honourable member noticed the two phrases "I think" and "I hope".

The Hon. R. C. DeGARIS: The last sentence is rather more definite than that. It is interesting to see some of the things that the Chief Secretary said in that debate.

The Hon. C. M. Hill: We accepted that at the time as an assurance.

The Hon. R. C. DeGARIS: Yes. This Council accepted that as an assurance from the Chief Secretary that some action would be taken in this regard. We were distinctly concerned about the wording in the Licensing Act. Perhaps I can go on and refer to another part of that debate, where the Chief Secretary said:

I ask the Committee not to disturb this clause; if hotels are to be used as places of public entertainment, matters of public safety must be provided for. If any person in Cabinet has pushed this particularly, it has been I. I am sure that this clause will lead to a great tightening up in relation to public entertainment in hotels; the conditions of the Places of Public Entertainment Act will apply if public entertainment is presented in premises, whether they be premises of football clubs, or bowling clubs, or hotels.

There is nothing there about "I hope" or "I think". We took that as a definite indication that the Government would face this problem of public entertainment on licensed premises. However, when this Bill comes before us, we see that clause 3 (*e*) (3) provides:

This Act shall, on and after the fifteenth day of January, 1968, cease to apply to and in relation to any public entertainment for which a permit has been granted under the Licensing Act, 1967 . . .

This, to me, becomes exceedingly worrying when we consider the type of entertainment developing today in our hotels. We appreciate that some of the more elaborate public entertainment is now being conducted in South Australian hotels.

The Hon. S. C. Bevan: You would not object to having control of it?

The Hon. R. C. DeGARIS: Not at all; that is what I am complaining about. This clause removes completely after January 15, 1968, the application of the Places of Public Entertainment Act to entertainment being conducted on any licensed premises, which means that in relation to other development—

The Hon. A. J. Shard: There is a section in the Licensing Act that covers that.

The Hon. R. C. DeGARIS: Yes; I have already dealt with that. That section states:

Notwithstanding the provisions of the Places of Public Entertainment Act, 1913-1965, no portion of any premises in respect of which a licence is current . . . shall be used as a theatre . . . or otherwise for public entertainment, without a permit from the court and upon such terms and conditions as are imposed by the court including conditions relating to health . . . having regard to the provisions of the Places of Public Entertainment Act, 1913-1965, and the regulations thereunder.

It is distinctly incorrect procedure to attack it in this way, by selecting one section of the entertainment field and saying that the provisions of the Places of Public Entertainment Act shall not apply to it but that another court "shall have regard to" it. Why should this be so? We have already been over this ground in debating the Licensing Bill.

The Hon. S. C. Bevan: That would be in conformity with their licence.

The Hon. R. C. DeGARIS: No, not in conformity. What the court has to do is "have regard to".

The Hon. F. J. Potter: One provision cancels out the other.

The Hon. R. C. DeGARIS: Yes, almost, but we are removing from the control of the Inspector of Places of Public Entertainment these matters that concern public entertainment in hotels or any licensed premises in South Australia. This is positively unfair. As far as I can see, the right procedure would be to apply exactly the same conditions as apply in relation to cabarets under this Bill that the Places of Public Entertainment Act shall apply, the cabarets being given a certain time within which to comply with those provisions. In other words,

the Minister can grant an exemption for a certain period to allow people time to raise these places to the standard required by the Places of Public Entertainment Act. One can observe the tremendous development that has occurred in this field of entertainment on licensed premises in the last few years, and can envisage what will happen in the future in this regard. We have already heard announcements about alterations to the Majestic Theatre. As I understand it, the Places of Public Entertainment Act will not apply to that.

The Hon. A. J. Shard: Yes, it will there; that is not a hotel.

The Hon. R. C. DeGARIS: Let us just look at it. Section 131 states:

Notwithstanding the provisions of the Places of Public Entertainment Act, no portion of any premises in respect of which a licence is current . . .

It does not mention a hotel. In respect of this particular venture, there will be a licence (maybe a restaurant licence or a dining-room licence) and this will exclude that particular development.

The Hon. A. J. Shard: No; I have to disagree with you there. I have been going along with you until now, but the Majestic Theatre's paramount job is entertainment, and it will have to have a licence under the Places of Public Entertainment Act.

The Hon. R. C. DeGARIS: I cannot follow that.

The Hon. C. D. Rowe: We agree on what should happen; it is a question of how to tie it together.

The Hon. R. C. DeGARIS: I disagree with the Chief Secretary on this. The licensing legislation said nothing about entertainment being the major or minor part of it. The Licensing Act states "where a licence is in force". There will be a licence in force and the Places of Public Enttertainment Act will be applied to that venture. If the Chief Secretary will look at this matter, he will see that what I am saying is right, or that there is some doubt about the matter.

The Hon. A. J. Shard: If you stick to your main point, you are strong. Do not have a doubtful one.

The Hon. R. C. DeGARIS: Whether or not I am strong, the Chief Secretary's case here is rather weak. A licence under the Licensing Act does not mean any form of licence.

The Hon. S. C. Bevan: It depends what sort if entertainment it is.

The Hon. R. C. DeGARIS: No, it does not.

The Hon. C. R. Story: The Leader wants to be convinced on this, not obstructed.

The Hon. R. C. DeGARIS: I refer again to section 131 of the Licensing Act.

The Hon. A. J. Shard: But this place will not have a licence: it will have a permit, which is not a licence. The Majestic Theatre would be under the Places of Public Entertainment Act, with a permit to serve liquor. I think I am right on this point. If the Leader sticks to the question of the full licence I can go along with him.

The Hon. R. C. DeGARIS: If there is a permit for serving liquor the matter is slightly different.

The Hon. A. J. Shard: That is right.

The Hon. R. C. DeGARIS: What will be the position regarding theatre licences? Section 131 of the Licensing Act specifically mentions entertainment on licensed premises. If there is a theatre licence the Places of Public Entertainment Act will not apply to that theatre.

The Hon. A. J. Shard: That is where we differ.

The Hon. R. C. DeGARIS: Perhaps we differ. The Chief Secretary got over one problem by saying that the development of the Majestic Theatre would be on a permit basis. I agree that section 131 stipulates a licence, not a permit, but other licences under the Licensing Act are not covered in section 131. However, this is ancillary to my main argument.

The Hon. A. J. Shard: The Leader is stronger on his main argument.

The Hon. R. C. DeGARIS: Perhaps so. A study of newspaper advertisements over the last five years will show that there has been a tremendous growth in entertainment on licensed premises and, as a result of 10 p.m. closing, an impetus will be given to the hotels to move into the entertainment field.

The Hon. A. J. Shard: They couldn't move any more quickly than they are moving now.

The Hon. R. C. DeGARIS: I agree that there will be a rapid increase in entertainment on licensed premises.

The Hon. S. C. Bevan: Have a look at their facilities.

The Hon. R. C. DeGARIS: Their facilities for safety would shock the Minister.

The Hon. A. J. Shard: That wouldn't shock me, as I have been to one or two.

The Hon. R. C. DeGARIS: Statistics show that from 1961 to 1966, 192 fires occurred in hotels in Australia, 94 causing major damage.

Six fatalities resulted from the fires. The reported causes of the fires included smoking in bed, kitchen fires, burning fat, electrical faults and heating appliances.

The Hon. S. C. Bevan: How many of those were in South Australia?

The Hon. R. C. DeGARIS: I do not know.

The Hon. S. C. Bevan: Very few.

The Hon. R. C. DeGARIS: Perhaps so. Over a long period there has been no serious outbreak of fire in any place licensed under the Places of Public Entertainment Act in South Australia.

I believe the Chief Secretary was perfectly honest in his approach to the Licensing Act. He realized that a problem could exist in connection with entertainment in hotels. I am not at all happy with the present position, nor am I happy that under this Bill public entertainment on licensed premises, particularly hotels, will not be under the control of the Inspector of Places of Public Entertainment. The only protection we will have in connection with the Licensing Act is that "the Licensing Court shall have regard to the provisions of the Places of Public Entertainment Act". I believe the Licensing Court should not decide whether the standards now prevailing in regard to public entertainment on licensed premises are up to those required for places of public entertainment.

I hope honourable members will carefully consider the amendments I have on file. If the Licensing Court is to decide this issue it should have a report from the Inspector of Places of Public Entertainment. My amendments bring licensed premises under the control of the Places of Public Entertainment Act but, as applies to cabarets under the Bill, the Minister may grant an exemption. I can see that, if there is an immediate application of the Places of Public Entertainment Act to entertainment on licensed premises, many entertainments now taking place will have to cease immediately. Consequently, there should be a period in which these premises can be brought up to the standards required of other forms of entertainment.

The Bill consists of two main parts: one part deals with the necessity to bring under the control of the Act certain premises being used as club premises in order to get round the spirit of the Act; the second part comprises the provisions of clause 6. This clause almost completely opens up Sunday as a day on which anything can take place, with the exception of certain things stated therein. Even these things can occur if a permit is granted by the Minister. The clause means that no public entertainment can take place between 3 a.m. and 1 p.m. on Sunday without the Minister's consent. No cinema or theatre can operate between 6 p.m. and 8 p.m. on a Sunday without the Minister's written consent.

No senior football and no horse racing can take place without a Ministerial permit. However, with that consent or with that permit anything can be done at any time—including all these things set out in clause 6. For example, a permit is necessary for a match between senior football teams representing football clubs affiliated with the South Australian National Football League or between teams comprising or substantially comprising members of such teams. I do not know the meaning of "senior teams" in this regard.

The Hon. D. H. L. Banfield: Are you a soccer player?

The Hon. R. C. DeGARIS: I play most sports and I have alway been a keen sportsman, but I do not see the meaning of the interjection.

The Hon. A. J. Shard: The interpretation is "league teams".

The Hon. R. C. DeGARIS: Are they first-grade, second-grade, or third-grade teams?

The Hon. A. J. Shard: A-grade teams.

The Hon. R. C. DeGARIS: The interpretation of "senior teams" is "A-grade teams affiliated with the S.A.N.F.L.", but as soon as we exclude the A-grade teams anything can go on. What about seconds, thirds and colts teams? What about the Amateur League or a new Sunday league that might be formed, not affiliated with the S.A.N.F.L.? They could operate on a Sunday.

The Hon. S. C. Bevan: They would have to get a permit.

The Hon. R. C. DeGARIS: Not as I see it. However, if I am wrong I shall be happy to be corrected by the Minister and to alter my opinion. Clause 6 amends section 20 of the principal Act as follows:

(*a*) by inserting after the passage "on any Sunday" . . . "between the hours of three o'clock in the morning and one o'clock in the afternoon";

(*b*) by striking out the passage "on any Sunday" . . . and inserting in lieu thereof the passage "during that period";

and

(*c*) by inserting after subsection (2) the following subsections:

(3) Except where a permit is in force under subsection (4) of this section, a person shall not on a Sunday provide, engage in or attend any of the following:

Then follow the matters for which a permit is required, and one can assume that no permit is required for activities other than those named. I shall be grateful if the Minister can point out where I am wrong. We have much complex legislation to deal with in a short time and honourable members should be forgiven if they make a mistake under these circumstances. New subsection (3) continues:

(*a*) a match between senior teams representing football clubs that are affiliated with the South Australian National Football League Incorporated . . .

Again, I take this to mean an A-grade team, for which a permit is required, but no permit is required for any soccer team that wishes to compete on a Sunday. A Sunday soccer league could be formed for the purpose only of competing on a Sunday. A cricket match between teams representing any States or Territories of the Commonwealth needs a permit, but any other cricket match can be conducted, and I presume an admission charge can be made on a Sunday. New subsection (3) continues:

(*d*) a horse race, parade, contest or trial (unless the race, parade, contest or trial is held solely for the purpose of training the horses or their riders); or
(*e*) a dog race; or
(*f*) a rodeo; or
(*g*) a motor race; or
(*h*) a boxing match in which the participants are not *bona fide* amateur boxers; or
(*i*) a wrestling match in which the participants are not *bona fide* amateur wrestlers.

As I read it, those are the things for which a permit is required, so one assumes that no permit is required for any other Sunday activity. Considerable concern has been expressed in practically all sections of the community at the haste with which these matters have been brought before Parliament. To my way of thinking, no great harm would be done if this matter was deferred until all sections of the community became aware of the scope of clause 6. We have gone along with the Act in its present form for a long time.

The Hon. A. J. Shard: We have got into a lot of trouble, too.

The Hon. R. C. DeGARIS: That may be so, but we have not got into as much trouble as have some countries with a completely open slather on a Sunday.

The Hon. A. J. Shard: I will go along with that.

The Hon. S. C. Bevan: People can play sport now provided they don't make a charge.

The Hon. R. C. DeGARIS: Exactly. In this respect, honourable members will know that the Tasmanian Act has been quoted frequently by many people. I believe that when the churches first heard of this matter they understood that the measure to be introduced into this Parliament would be on the same basis as the legislation introduced into Tasmania after a Royal Commission conducted by Commissioner Phillips. I think the dividing line here in the public's opinion is this question of the commercialization of Sunday. On questioning many people on this matter in the last few days, I have found that the approach in the Tasmanian legislation is at this level, and that the dividing line there comes on this question of commercialization of sport on a Sunday.

I believe this legislation goes far beyond the dividing line in the Tasmanian legislation. I believe that the community does not thoroughly understand just how far this legislation goes. As I see it, there is no control whatever on any Sunday activity.

There is considerable disturbance in the minds of many people in the community about the haste with which this measure has been introduced. No great harm could result if the matter contained in clause 6 was deferred until all sections of the community could become aware of how wide it was. I appreciate that there is probably a need for some reform in Sunday entertainment, but the public and the churches expected, when this legislation came before Parliament, that it would be based more or less on the Tasmanian report. If we study that report, we notice a distinct dividing line, and that is based upon the commercialization of Sunday entertainment. That is the approach that the South Australian community expects in this Bill.

Clause 6 goes much farther than does the Tasmanian report and the Tasmanian Act. Therefore, at this stage I favour the deletion of clause 6 from the Bill. I emphasize again that I am not opposed to some reform of Sunday entertainment but I do not think the deletion of clause 6 will cause any great disturbance in the minds of the public. After all, this Council's function is to ensure that hasty decisions are not made and to allow the community at large to fully understand the scope of any legislation. The public at large is not fully aware of the scope of clause 6. I do not wish to deal further with that matter. Perhaps some amendments will appear that will satisfy me on clause 6 but at present I favour its deletion.

The two main problems that concern me in this Bill are, first, the application of the Places of Public Entertainment Act to entertainment on licensed premises and, secondly, the matters contained in clause 6, which would be better left to be dealt with in another session of Parliament when these matters could be looked at and the community could become aware of how far it was intended that the clause should go. As I read clause 6, any entertainment can take place in a country area (whether it be a Grade A football team anywhere outside the metropolitan area or a team from the South Australian National Football League playing senior football) on a Sunday. The public does not require that reform at this stage. I am prepared to support the Bill because of the provisions it contains about the activities of certain clubs, but I have misgivings about other parts of the Bill. I support the second reading.

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

LONG SERVICE LEAVE BILL

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

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 8 p.m., at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, A. F. Kneebone, G. J. Gilfillan, and F. J. Potter.

At 8 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 12.10 a.m. The recommendations were as follows:

As to Amendments No. 2 to 5, 8 to 10, and 12 to 15: That the Legislative Council insist on its amendments, and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 6: That the Legislative Council amend its amendment by striking out the word "ten" and inserting in lieu thereof the word "seven", and further amend the Bill in line 25, page 3 (clause 4) by inserting after the word "service" the words "of which at least five years have been served", and that the House of Assembly agree thereto.

As to Amendments Nos. 7 and 16: That the Legislative Council do not further insist on its amendments.

As to Amendment No. 11: That the Legislative Council amend its amendment by leaving out the word "ten" and inserting in lieu thereof the word "seven", and do further amend the Bill by inserting after the word "employer" in line 22, page 6 (clause 5) the words "of which at least five years have been served as an adult" and that the House of Assembly agree thereto.

As to Amendments Nos. 17, 18 and 19: That the Legislative Council amend its amendment in each case by leaving out the words "one year" and inserting in lieu thereof the words "three years" and that the House of Assembly agree thereto.

That the Legislative Council make a further amendment to the Bill by leaving out in pages 3 and 4 (clause 4) paragraphs (*b*), (*c*), (*d*) and (*e*) and inserting in lieu thereof the following paragraph:

(*b*) by the worker if he has lawfully terminated his contract of service:

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

I have attended several conferences since I have been a member of this Council and I consider that this conference was conducted in a better spirit than was any other conference I have attended. A most amicable conference was held, as a result of which some progress has been made. The effect of the recommendations of the conference is as follows:

1. The period of entitlement of a worker to long service leave will be 13 weeks' leave after 15 years' continuous service.

2. A worker will be entitled to pro rata long service leave after seven years' continuous service, of which not less than five years have been as an adult (*a*) if his service is terminated by his employer for any cause other than serious or wilful misconduct; (*b*) if he lawfully terminates his contract of service; or (*c*) if he dies.

3. A claim may be made for long service leave up to three years after the termination of service of a worker.

4. No provision will be made whereby moneys held in superannuation and other similar funds may be used to pay for long service leave.

The Hon. F. J. POTTER: I support the motion. The conference was a lengthy one. I agree that the questions at issue were approached by both Houses in a spirit of compromise. Indeed, the result which has been achieved and which has now been recommended for the Council's acceptance shows that the Council's amendments were justified. The most important one (that there should be uniformity in relation to the main entitlement to long service leave) was accepted. So this long debate, which has been going on for two sessions, has finally been completed and this matter has been established as a principle.

Some modifications to the period of pro rata leave were made. I think we were justified in doing this because South Australia is in a unique position regarding pro rata leave. Pro rata leave after 10 years is more or less standard practice, but in New South Wales pro rata leave can be granted after five years' adult service. Of course, we have had a rather anomalous Act since 1957 that provides some form of long service leave after seven years' service. We were confronted with the fact that people were entitled to leave that has been called long service leave, after seven years. This now becomes the period for pro rata leave, but five years of that seven years must be served as an adult. This is a reasonable compromise.

The other amendments are minor and do not bring up any great questions of principle. I am pleased with the compromise arrived at by the managers. The conference was one of the most successful I have been privileged to attend as a manager.

Motion carried.

TRUSTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 31. Page 3186.)

The Hon. C. M. HILL (Central No. 2): This Bill widens the scope by which trustees under the Trustee Act may lend their trust moneys so that these moneys can be lent under two further separate headings. The first heading deals with advances on the short-term money market, as provided for in clause 3, which amends section 5 of the principal Act and provides that trust moneys can be invested on the short-term market by way of advances to dealers who are approved and who operate in this market.

These dealers must abide by one or two conditions: they must surrender to the trustee a safe custody receipt issued by the Reserve Bank of Australia, which bank also requires other conditions as set out in clause 3. As an alternative, these dealers must endorse and deliver to the trustee a commercial bill of exchange that has been accepted by a bank proclaimed by the Governor. Other conditions in regard to that heading must also be fulfilled. I approve of this principle, which will result in further money being circulated in the commercial world.

There must be trustees who hold money that they would like to invest on a very short term, yet they apparently find difficulty in doing this under the existing Trustee Act and, as a result, it would seem that this provision is one to which no objection can be taken.

The second heading under which trust moneys can be invested is described in clause 4, which adds section 10a to the principal Act. Under this heading trust moneys can be invested in freehold property on first mortgage, not on the basis of two-thirds of an independent valuation (as was the case before), but under the new arrangement established in 1965 through the agency of the Housing Loans Insurance Corporation. This agency was set up under the Commonwealth Housing Loans Insurance Act. Up to 95 per cent of an independent valuation of a property can be advanced on first mortgage, and its repayment and all risks are insured and guaranteed by the Commonwealth Government.

Only approved lenders can advance money under this scheme: such lenders are the banks, permanent building societies, life assurance companies, friendly societies, trustee companies and mortgage management companies. I wish to make it clear that up to 95 per cent of an independent valuation can be advanced under this scheme—95 per cent of the first $15,000 of the valuation, and 70 per cent of any balance above that figure. The maximum interest rate applying is 7¼ per cent; therefore, this trustee investment, repayment of which is guaranteed, earns a generous interest rate.

The charge for this insurance is paid by the borrower and is on the basis of 2 per cent of the loan advanced where the basic loan is 75 per cent or more of the valuation of the property. For loans below 75 per cent of the valuation, a lesser fee is charged. One of the great benefits of this scheme is that it does away with the need for second mortgages on properties. This has been the trend in the United States of America, where the Federal Housing Authority scheme, on which the Housing Loans Insurance Corporation scheme is based, operates. It operates successfully and to the benefit of borrowers.

As a result of this measure more money will be channelled to first mortgage loans, and this will mean that the building industry will benefit, because many of these loans will be arranged on new houses. Any such measure will be welcome. So, I see no objection to the two points covered by the Bill. This is welcome legislation that satisfactorily protects both the trustee and the beneficiary. I support the Bill. However, I point out that the marginal note alongside clause 4 "Short term investment" should be, I think, alongside clause

3. Undoubtedly this error was caused by the great haste with which the Government Printer had to deal with this Bill, and this in turn was caused by the great haste with which the Government has introduced this measure.

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 26. Page 3069.)

The Hon. C. R. STORY (Midland): I am most disappointed that this Bill has been brought in at such a late stage of the session. I support the Bill, but not without qualification. Turning to the history of the Citrus Organization Committee, I recall that I introduced the first deputation to the Minister of Lands in 1964, and this brought about the establishment of the inquiry committee. I have followed its history not only as a legislator but also as a director of a company vitally interested in citrus processing. Today we have spent many hours in discussion with various interests in the industry, and from these discussions a very much better understanding has resulted in at least three facets of the industry. I am pleased that agreement has been reached between the C.O.C., the processing section of the industry and the Minister. Some members of this Council today interviewed the Directors of Berri Fruit Juices, the largest processor of juice in this State. That company was opposed to certain amendments contained in this Bill. There is nothing very new in the principle of these amendments. The citrus industry, right through to the processing, was controlled in the Act of 1965. The fact that it has been found necessary to tighten up the powers of the C.O.C. to deal with certain aspects of the industry showed the necessity for the widest powers being exercised.

I have often noticed that Bills of this type are drafted very widely. The implementation of the Bill is what we have to worry about, and this was what worried the directors of B.F.J., because they had the feeling that the powers were so wide as to take away from them the running of their business. It was not until late today that some agreement was reached. A compromise was offered to the directors of B.F.J. at a conference in the morning, and I think this was a very much better compromise than the one they finally accepted. However, they are running their own business. The compromise offered them would have given them statutory power. Agreement was finally reached in the afternoon, and I have to report that the company settled for the passing of a resolution as follows:

An assurance that C.O.C. would undertake in writing not to disturb or interfere with the existing form of operation of B.F.J. or its relationship with its members was given by the Minister.

That is the assurance B.F.J. managed to extract from the Minister. I am recording this in *Hansard* so that it will be there as a record for the future.

The Hon. L. R. Hart: The Minister gave a further assurance, didn't he?

The Hon. C. R. STORY: Yes, a verbal one. I understand that the Minister gave a verbal assurance that if the parties were not happy at the end of 12 months (and here I believe the Minister assumed quite a lot) he would amend it.

The Hon. A. J. Shard: No more than he was justified in assuming.

The Hon. C. R. STORY: He may have been assuming just a little. That is the position at present. Representatives of the C.O.C. were present at the conference late in the afternoon when this agreement was reached. I have real confidence that after two years the C.O.C. may now be able to get on with the job for which it was set up. To say the very least, a tremendous amount of time and a good deal of the growers' money has been wasted as a result of bickering between the various sections of the industry. I am not being harsh on anyone when I say that. However, there has not been harmony by any manner of means in the early period of this Committee.

If this is the turning point (as I believe it is), we should give every encouragement to C.O.C. by giving it the powers it needs to make the Act effective. If it uses its powers in a way that is detrimental to the industry or in a crushing manner (and it has power to do that if it wishes), the remedy is in the hands of the producer, who has power under the Act to petition the Minister for a poll of growers on whether C.O.C. will continue. At any time after December 30 this year a poll of growers can take place if 100 people petition the Minister for a poll. Therefore, we have just a few months to get the show really moving. I do not think the C.O.C. will be voted out: I believe it will be retained by the growers through all sections coming down solidly and saying that this is a good thing and that it can work.

The amendments alter completely the original concept we had of the election of representatives of the C.O.C. First, they were

nominated by the Minister, who strategically placed the representatives over the whole of the producing area, namely, one each at Mypolonga, Loxton, Waikerie and Renmark. After the first 12 months, when an election took place and the growers had their first opportunity to exercise a vote, two of the members nominated by the Minister, namely, the representatives at Mypolonga and Loxton, were defeated. Thereafter, two members were centred at Waikerie and the other two at Renmark.

Although the desirability of this is not unanimously accepted, I understand that the Minister, at a meeting at Mypolonga, undertook that he would arrange for a representative for the Mypolonga area and for the rest of the State. So it was necessary to recast this part of the Bill.

At the same time the member for Chaffey (Mr. Curren) and I were consulted about the distribution of the fruit and about boundaries. Certain submissions were made, and submissions were produced by the United Farmers and Graziers Association of South Australia. The Minister decided that the method to be used was to increase the grower representatives on the board by one and to split the whole producing area into five zones, which would follow local government boundaries as prescribed by the Local Government Act and as gazetted. The first zone is the Renmark municipality area; the second zone is the Berri area; then there are the Loxton area, and the Waikerie area, including a portion of the district council areas of Morgan, Sedan and Cambrai, and eventually the rest of the State, providing one representative for the Mypolonga area and the "rest of the State" area.

The Act is strengthened because the Citrus Organizaton Committee will have five grower representatives as against the present four—two persons nominated by the Minister after consultation with the C.O.C., who are commercial members and one chairman, also nominated by the Minister after consultation with the C.O.C. Recently Mr. Slade's chairmanship of the C.O.C. ended, and the new chairman is Mr. Morphett. I think the citrus industry is most fortunate to have his services as chairman. He did not seek the job and I do not know that he particularly wants it, but he will render good service to the citrus industry as he has to his country in various other activities in which he has engaged.

I am sure that, now he knows the industry is more closely knit than ever before and the C.O.C. is armed with the sinews of war, he will be much happier about his job and get on with it and get down to what we set out to do originally—to try to get some orderly marketing into this chaotic industry. The C.O.C. is given more power to deal with quality control, which is probably one of the main things we need at present, for quality control is the basis of good marketing. Much effort has been made and I believe the standard of the pack has improved greatly, but much more needs to be done to get a regular standard of control in this State. This is one of the first and major jobs to which the C.O.C. must apply itself.

Secondly, it must give close attention to an industry pool (and, if not that, certainly district pools) because it is necessary when one becomes a Socialist to really make a job of it. That is what the industry has done for itself: it has put itself into the hands of a board armed with powers to do the job. If we are to carry out this work properly, we have to get on with it and we cannot afford to have people on the fringes getting benefits as a result of other people being rigidly controlled. We cannot have people enjoying special privileges if we are to go into an orderly marketing scheme.

The Hon. R. A. Geddes: You are referring here to the growers?

The Hon. C. R. STORY: Yes. As regards the splitting up of fruit into the various markets and into the juicing factories and export, the pro rata system must be looked at more closely than it has been; it must be made to work because this again is part of the scheme. The C.O.C. must spend more time and do more experiments with packaging, particularly in an attempt to standardize a pack to be used in South Australia. It is uneconomic to have three, and up to four, containers with a machine that is designed to be kept going all day on one container. This is costing my own company shareholder members 10c a case, which could just as easily have been growers' profits. I know politics are involved in this and that political pressure has been exerted on the C.O.C., but the sooner we can get down to having no more than two types of container the better it will be for everybody in the industry. Also, we have to look for new export markets.

I was most heartened two days ago to read a letter from the United Kingdom referring to grapefruit sent there this year. The letter said that it had arrived in very good condition. The buyers were pleased with it and particularly with the clean appearance of the Bruce

box, which the C.O.C. has chosen for the export market. This is one thing in respect of which the C.O.C. can claim to have made a break-through: it has standardized one container for the export market.

Another thing we have to watch carefully is the issuing of licences to packers. One of the main points brought out in the conclusions of the original report of the committee was that the packing facilities should be brought up to the highest possible standard so that, by volume, the packing charge would be reduced and the return to the grower would be increased. If we split our packing into too many packers the grower will not benefit. At present the C.O.C. should view carefully the existing facilities in every area before new licences are granted. It is vitally important that this should happen. One or two complaints from growers' organizations with regard to these amendments have been made to me. The first is that previously a grower who had 50 trees was compelled to register, but that entitled him to a vote and to a nomination for the C.O.C. That is altered, and the original amendments made it necessary for a grower to have 500 trees before he could be nominated to the committee. Subsequently in another place that figure was reduced to 300, so that it is necessary for him to have about three acres of trees before he can be nominated to the committee.

The second vital point is that the grower representatives will be elected not for a two-year term, as previously, but for a three-year term. This is a two-edged sword. If it is a good committee it is a good thing: a committee needs a little time to settle down. That has been evidenced by what has happened, in that two of the original directors served for only one year. With this change, which will come into operation on a day to be specified by the Minister, some other directors may not be on the committee when it is reconstituted. I consider that three years is a little different from what the people in this industry are used to having, as the directors of their co-operatives serve for two years. That is one of the reasons they are a little apprehensive, but I do not think a three-year term is too long. I think you need to get bedded in for a year and work for two.

The other major difference is that partnerships will have but one vote, whereas in the past if three partners held the property three votes were given. This is a departure from some of the other commodity boards. It has been said that the idea of this is that a number of small growers in partnership could outvote larger growers. This, of course, is again a two-edged sword. Two partners with a very large holding would be reduced to one vote, whereas 10 small growers could outvote the owners of the larger areas of trees. This is not a principle I would have expected to find in a Bill introduced by the Labor Party, which is so critical of the Legislative Council's franchise. I would have thought it would get down to something more democratic, but as it is now 1.05 a.m. I do not intend to upset the Government or this Bill.

I have given plenty of attention to the Bill but I have not given nearly as much information as I would like to have given. At this late hour and at this time in the session I support the Bill, but I hope that when we get another Bill on this matter it will not be brought down in the dying hours of the session, because it is not fair to a large industry that is increasing in importance each year as an exporter.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"General powers of committee."

The Hon. R. A. GEDDES: Paragraph (*b*) upset Berri Fruit Juices and caused it to seek the agreement from the Minister to which the Hon. Mr. Story has referred. Any marketing authority must have great control over all facets of the industry it is trying to assist. When an authority has this power, it must also have enough common sense to show the leniency towards manufacturers or processors who endeavour to handle the commodity, particularly a commodity like citrus, which must be put on the market as soon as possible. I should like to pay a compliment to the Hon. Mr. Story for the work he has done in relation to the citrus industry and C.O.C., and for the help he has given me, many growers and Berri Fruit Juices before the original legislation was introduced.

Clause passed.

Clauses 15 to 20 passed.

Clause 21—"Offences in connection with the marketing of citrus fruit."

The Hon. M. B. DAWKINS: I, too, pay a tribute to the Hon. Mr. Story for the work he did on this Bill. New subsection (1) (*c*) caused the directors of Berri Fruit Juices much concern. Two years ago I said in this Chamber that the powers under the legislation were very wide, probably too wide, and I

believe this may be so at present, particularly with regard to this clause. However, I realize that this type of legislation must be drafted very wide, and consequently organizations that may be affected by it become concerned. I trust that the C.O.C. will administer its powers with discretion. I regret the concern experienced by B.F.J., and I am glad that a compromise has been reached.

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

In new subsection (1a) after "thereof" to insert "unless he is authorized in writing by the committee to do such act or thing,"

This amendment is consequential on an amendment moved in another place. It is proposed by the Government to make this new subsection consistent with new subsection (1), as amended at the instance of a member of the Opposition in another place.

Amendment carried; clause as amended passed.

Clause 22—"Regulations."

The Hon. C. R. STORY: I hope that, after this Bill passes, the regulations will be drafted very carefully. I am sure the C.O.C. will take counsel from all sections of the industry; it is in this sphere rather than in connection with the overall legislation that goodwill will be bred. If the growers, processors, packers and merchants can be consulted on these matters it will be a very good thing for both the C.O.C. and the industry

Clause passed.

Clause 23 and title passed.

Bill read a third time and passed.

VERMIN ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The principal Act, the Vermin Act, 1931-1964, sets out the legal framework for the control or destruction of vermin within the State. Primarily the responsibility for control and destruction rests with the individual landholders, and certain supervisory powers are vested in vermin boards and councils, with little or no intervention by the central Government unless the local authorities fail in the performance of their duties under the Act. For some time now it has been considered that there is a need for a definition of the powers and duties of those authorities and persons engaged in vermin control; this measure effects this redefinition and at the same time pays regard to certain other aspects of vermin control administration.

For some time now there has been functioning an *ad hoc* committee of landholders and others interested who from time to time have tendered most valuable and useful advice to the Minister in connection with the problems associated with vermin control. This measure proposes that this committee will be established on a more formal basis and accordingly provides for its establishment and its powers and functions. Under the principal Act, as some honourable members will be aware, landholders are responsible for vermin control on their own lands and on the half-width of roads adjoining those lands; this measure proposes that the local authorities, that is, vermin boards and councils, will assume the responsibility for vermin control on the roads but that the costs involved will be a charge on the adjoining landholders as to the half-width of the roads adjoining their lands.

The principal Act also laid on owners or occupiers the duty to comply with directions of the local authorities with regard to the control or destruction of vermin on the lands of those owners or occupiers; in practice the provisions relating to this matter have been found to be somewhat complicated in operation and accordingly they have been somewhat simplified. In form this measure proposes the repeal of Part II of the principal Act which dealt with vermin destruction and the enactment of two parts, the first dealing with matters of administration and the second dealing with control and destruction.

In matters of administration and practice regard has been paid to the Weeds Act, which was passed by this House in 1956, since the administrative problems associated with weed control are in some respects not dissimilar to the problems associated with vermin control, and at the same time regard has been paid to the experience of the authorities in relation to weed control. Clauses 1 to 4 are formal. Clause 5 effects certain amendments to the definition sections in the following respects:

(*a*) a definition of "areas" has been included to relate to the extended definition of a council, which now includes certain statutory bodies having the functions similar to those of district and municipal councils;

(*b*) the definition of "control" has been widened to include the destruction of warrens, burrows and harbour of

vermin and related to an ascertainable standard, that is, to the satisfaction of an authorized officer, it is felt that this is a more practical approach;

(*c*) a definition of "restricted poison" has been included, as has a definition of "committee"; and

(*d*) the definition of "vermin" has been extended to relate to the proposed new power to be conferred on the Governor to declare an animal to be vermin in a limited part of the State.

Clause 6 inserts a new Part IA relating to the general administartion of the Act. In Division I the Vermin Control Advisory Committee is formally created and its method of functioning and powers are provided for. In Division II provision is made for the appointment of two classes of authorized officers, government authorized officers appointed by the Government and local authorized officers appointed by the local authorities, that is, councils or vermin boards. The powers of authorized officers are set out in this Division. Generally this Division follows the Weeds Act. In Division III provision is made for grants to local authorities for approved programmes of vermin control, and while this is a relatively new provision in relation to vermin it is again based on a comparable provision in the Weeds Act. Proposed new clause 14 vests in the Minister the powers of a council in areas of the State where there is no council or vermin board.

In Division IV the question of vermin control on Crown lands and other lands occupied by the Crown or its instrumentalities is dealt with. Clause 7 inserts a new Part II in the principal Act. Section 16 provides for the declaration of vermin in relation to the whole State or in relation to a part of the State. Section 17 provides for the declaration of certain highly dangerous poisons as restricted poisons, and section 18 permits the Governor to make regulations regarding the use of poisons and restricted poisons. Section 19 sets out the respective spheres of influence of councils and vermin boards and parallels the previous provisions of the principal Act. Section 20 sets out the general duties of councils and boards and again follows the duties provided for previously.

Section 21 incorporates a departure in that it imposes a duty on the council or board to control vermin on roads and on such lands referred to in proposed new section 15 as the Minister directs. Provision is made for the council or board to recover amounts expended on this work from the occupiers or owners of the land or the Crown as the case may be. Section 22 permits a council to declare a rate for the purposes of carrying out its duties under section 19. Provision has always been provided at Part IX for a vermin board to levy rates. Section 23 provides an authority for the council or board to be reimbursed for expenditure on Crown lands and lands of the Crown. Section 24 permits the council or board to seek reimbursement for certain expenditure on roads from the owners or occupiers of land adjoining those roads.

Section 25 permits repayments to councils or boards of certain expenses that the councils have borne on behalf of the Crown. Sections 26, 27, 28 and 29 provide for the joining by two or more councils to form an associated councils vermin board. This is a re-enactment of a provision contained in the principal Act. Section 30 provides that the Minister may direct a council or board to carry out their duties under the Act, and in the event of a failure to comply with that direction empowers the Minister to carry out the work at the cost of the council or board. Section 31 empowers a council or board to make agreements with owners or occupiers of lands for the control or destruction of vermin. This is a new provision and one much desired by councils.

Section 32 repeats a provision in the principal Act relating to a duty on the owners and occupiers to control vermin on their land. A penalty is now provided for a breach of that duty. Sections 33 to 38 set out the new procedure in relation to directions from a council or board, the procedures being as follows:

(*a*) the council or board may by notice in writing direct an owner or occupier to carry out certain work within a given time;

(*b*) the owner or occupier may appeal to the Minister against the direction and the Minister may amend, vary or annul the directions;

(*c*) if the Minister confirms, varies or annuls the direction he must advise the owner or occupier; and

(*d*) if the owner or occupier does not then comply with the direction or the direction as varied, he is liable to a penalty and the council or board may do the work at his expense.

These provisions replace the somewhat more cumbersome provisions, which had substantially the same effect, in the principal Act. In

Division IV, sections 39, 40 and 41 make special provision with regard to breakwind reserves and drainage lands. The provisions are necessarily a little complicated in form but in general they place the responsibility for maintenance of the reserves and drainage lands on the owners or occupiers of adjoining lands when they have the use of them for grazing purposes and otherwise recognize the responsibility of the appropriate council or board for roads.

Clauses 8 to 16 merely make amendments to the principal Act consequential on the amendments effected by clauses 1 to 7 of the Bill. I commend the Bill to honourable members.

The Hon. L. R. HART secured the adjournment of the debate.

INDUSTRIAL CODE BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 4 to 7, 15 to 18, 21 to 23, 25 to 36, 44, and 46 to 52, had consequentially amended the Bill, and had agreed to amendment No. 13 with an amendment, but had disagreed to amendments Nos. 2, 3, 8 to 12, 14, 19, 20, 24, 37 to 43, and 45.

ADJOURNMENT

At 1.52 a.m. the Council adjourned until Thursday, November 2, at 2.15 p.m.