# LEGISLATIVE COUNCIL

Tuesday, December 3, 1968

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

## QUESTIONS

### RAILWAY DINING ROOM

The Hon. A. J. SHARD: I ask leave to make a statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. A. J. SHARD: Last week I was talking to some friends who travel on the South Australian Railways and partake of meals in the dining room at the Adelaide railway station. These meals are of a good standard and are thoroughly enjoyed, but the only licence that the dining room has is a wine licence. In this enlightened age, travellers on other modes of transport are supplied with ale while having meals during their journeys. Has the Minister considered applying for a licence to cover the sale of beverages in addition to wine, or does he know whether the Railways Commissioner has considered this question? If the question has not been considered, will the Minister see what can be done, because nowadays it is essential to give travellers and tourists everything they want in this respect?

The Hon. C. M. HILL: Both the Commissioner and I have considered this matter, which is under review at present. Briefly, my feelings are similar to those of the honourable member: I should like to see steps taken to secure an ale licence for the dining room at the Adelaide railway station. Within a couple of weeks I hope to finalize the discussions that are now in progress, and I will then let the Leader know the final decision.

### MINISTERIAL RELATIONSHIPS

The Hon. D. H. L. BANFIELD: I ask leave to make a brief explanation prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. D. H. L. BANFIELD: Last night I was interested to read in the *News* the following article headed "Equal Right to Vote Stressed":

It was the equal right of every citizen to elect those who governed, the Attorney-General, Mr. Millhouse, said today. Mr. Millhouse, addressing the Liberal Dining Club, said that under our system of Government the Legislative Council had an equal say with the House of Assembly. Therefore, he said, what went for the Assembly should go for the Legislative Council. He said no other consideration could outweigh the principle of universal franchise. "It is a principle that must prevail," he said.

Does the Chief Secretary agree with this principle and, if he does, is he taking any steps to put it into operation? If he does not agree with this principle, does that mean that there is still a widening of the breach that already exists between Ministers in this Council and Ministers in another place?

The Hon. R. C. DeGARIS: I have expressed my views on this matter in this Council on other occasions. With all due respect to the Attorney-General, the Houses do not enjoy equal rights. I have pointed out on many occasions that this Council adopts the role, very rightly, of a responsible House of Review. Having expressed myself on this matter before, I think that is sufficient answer to the honourable member's question.

### FOOT AND MOUTH DISEASE

The Hon. R. A. GEDDES: Can the Minister of Agriculture say what precautions were taken to see that foot and mouth disease and other exotic diseases could not be introduced by the troops who arrived home in South Australia recently from Vietnam? Can he say also whether metal rat guards were used on the H.M.A.S. *Sydney* when it berthed?

The Hon. C. R. STORY: I will check on this and obtain a report for the honourable member.

### LONDON-SYDNEY RALLY

The Hon. R. A. GEDDES: I view with dismay the announced speeds that will be attained by the trial drivers coming from Great Britain to Australia. These people will be travelling through Brachina Gorge and similar places in the Flinders Ranges at what appear from their schedule to be excessive speeds. Will the Minister of Roads and Transport look into this matter to see whether adequate precautions can be taken in advance before the trial starts in South Australia?

The Hon. C. M. HILL: I am prepared to have a look at this matter. However, we do not want to be too restrictive in our views on this question. These men have driven through many countries throughout the world, and the whole race, of course, is attracting much interest.

The Hon. R. A. Geddes: It is not a race: it is a reliability trial.

The Hon. C. M. HILL: Well, I will call it a trial, if that satisfies the honourable member. The whole trial is coming into the spotlight throughout the whole world, and I think we can rely on these experienced drivers to take reasonable care. I do not think that any serious damage will be done to the roads in South Australia as a result of these cars passing through the State. However, I will have a look at the matter.

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PRISONS ACT AMENDMENT BILL

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

TATIARA DRAINAGE TRUST ACT AMENDMENT BILL

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

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

INDUSTRIAL CODE AMENDMENT BILL (No. 2)

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

POLICE PENSIONS ACT AMENDMENT BILL

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

SCIENTOLOGY (PROHIBITION) BILL

The Hon. C. M. HILL (Minister of Local Government) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

The Hon. C. M. HILL moved:

That the Bill be recommitted to a Committee of the whole Council on the next day of sitting.

Motion carried.

STAMP DUTIES ACT AMENDMENT BILL (No. 1)

In Committee.

(Continued from November 28. Page 2847.)

Clause 6—"Amendment of Second Schedule to the principal Act"—which the Hon. G. J. Gilfillan had moved to amend by striking out "for rates or any payment made from Government funds" in Exemption 2.

The Hon. G. J. GILFILLAN: I spoke at some length regarding this matter on the last day of sitting, and it is not necessary for me to go over the same ground again.

The Hon. R. C. DeGARIS (Chief Secretary): Last week I indicated my attitude to this amendment. I fully appreciate the reasons behind it, but there are substantial reasons why an exemption has not been proposed for all matters concerning local government. It would be much fairer if business undertakings controlled by local government were to pay the stamp duty. In other words, the Government indicates that it would be prepared to extend the exemptions to cover matters other than business undertakings—for example, miscellaneous licences, permits, registration fees, pound charges, etc. The Government would be prepared to accept an amendment along those lines but, as other undertakings of a similar nature run by local government will incur stamp duty, this amendment goes too far.

I have read the *Hansard* proof of last week's debate, and I believe the undertaking I gave to the Hon. Sir Arthur Rymill was not strong enough. I now give an undertaking that the difficulty he raised about stock and station agents and woolbrokers will be handled under new section 84h. I think this will cover any misleading statement I may have made about the Government's attitude to this problem. I did not want to indicate that all agents would come under this provision. Reverting to the Hon. Mr. Gilfillan's amendment, I consider it goes a little too far, and I oppose it.

The Hon. G. J. GILFILLAN: The Minister has raised new issues and I make the point that calling local government "local authority" does not really express the position. In the community local government has its part to play within the Local Government Act as have State and Commonwealth Governments, which are exempt, however, from the Act even where they engage in commercial enterprises. For instance, the State Government is interested in afforestation in various parts of the State. An even bigger comparison is with the State instrumentality known as the South Australian Housing Trust, which, too, is exempted. Although the Housing Trust plays an important part in the development of our State and is expected to provide low-cost, low-rental houses, it competes with private enterprise in many fields in the building industry. I believe a greater anomaly exists regarding the trust's competing with private industry, and the latter, of course, has to pay this duty.

The Hon. S. C. Bevan: In accordance with the policy enunciated by the Government in relation to private enterprise.

The Hon. G. J. GILFILLAN: I think the honourable member is referring to another debate. Under this Bill the Housing Trust has certainly been given an advantage over private industry. If this type of exemption can be given to an instrumentality such as the Housing Trust, surely the argument for local government to be granted a full exemption, which is given to both State and Commonwealth Governments, is stronger.

The Hon. S. C. BEVAN: In the second reading debate, I intimated I would support this amendment and that I would not proceed further with my proposed amendment, the effect of which would be the same as that of this amendment. I have said previously that local government is what its name denotes: local government; that is, it is an organization of local authority within boundaries set up by Act of Parliament giving the local authority similar power to that exercised by government.

I cannot see why local government should be saddled with this proposed taxation. I appreciate the present exemption, but I do not agree with the Chief Secretary that this amendment goes too far. I repeat that where the tax is applicable to local government it will not be taken out of the finances of local government, because local government is financed by its ratepayers. Whatever the ultimate effect of the tax, it must be borne by the ratepayers. I am aware that moneys collected by local government from its ratepayers is exempt, but the additional taxation that this Bill will place on local government will have to be met by the very people who supply local government with finance.

The Hon. R. C. DeGaris: Not if it was restricted to a business undertaking of the council.

The Hon. S. C. BEVAN: Local government, through the Municipal Association of South Australia, instituted a move about 12 months ago to set up an organization whereby various requirements of the members of the organization could be purchased at concession rates. This advantage would undoubtedly be passed on to the ratepayer. There is no doubt that councils collectively will lose all concessions gained by the establishment of this organization, and this tax will be passed on by the supplying agent, because he will be issuing the receipt, and he is not exempt under this Bill. We know that these people will not carry this tax and that it will be passed on. A concession that may have been gained during buying activities will be lost, because the tax will be passed on to councils in relation to their purchases.

The Hon. R. C. DeGaris: Are you suggesting that the advantage of belonging to the organization will be only 1c in $10?

The Hon. S. C. BEVAN: This could mean a big sum to the councils, when we remember the value of the purchases they make for the benefit of their ratepayers over a period.

The Hon. R. C. DeGaris: Surely, if the benefit was only 1c in $10, it would not be worth while.

The Hon. A. J. Shard: It won't remain at 1c in $10.

The Hon. R. C. DeGaris: I have answered that.

The Hon. A. J. Shard: You were joking.

The Hon. S. C. BEVAN: This Bill definitely states "or any part of $10". Even if the article purchased was valued at only $1, a duty of 1c would have to be paid. The value of councils' purchases far exceeds $10: purchases of machinery would run into thousands of dollars. At present councils, through arrangements made with their organization, can get a concessional rate but the person selling the machinery will pass on the tax. Consequently, the ratepayer will lose the concession.

The Hon. L. R. Hart: Will they lose all the concession?

The Hon. S. C. BEVAN: That remains to be seen. I do not have any figures on councils' purchases—there are 142 councils in the State. They may not all be members of the organization.

The Hon. Sir Arthur Rymill: How much duty will they have to pay for every $1,000?

The Hon. S. C. BEVAN: It does not take much arithmetic to work that out.

The Hon. Sir Arthur Rymill: It is not a great duty.

The Hon. A. J. Shard: It is the principle.

The Hon. S. C. BEVAN: The distributor is the one who would benefit. This is a retrograde step. We had in this Council some great champions of local government during the Labor Government's term of office, but today those same people adopt a different attitude. The Hon. Mr. Gilfillan has mentioned that the Housing Trust is exempt.

The honourable member mentioned the Woods and Forests Department, which is a Government department. We have been led to believe since its inception that the Housing Trust is a semi-government instrumentality. A semi-government instrumentality is exempt from paying this tax, but local government is not exempt. Therefore, this amendment is justified.

The Hon. Sir ARTHUR RYMILL: Despite the fact that I think the Hon. Mr. Bevan may have been referring to me when he referred to champions—

The Hon. S. C. Bevan: I was not.

The Hon. Sir ARTHUR RYMILL: I was going to say that I agreed with most of what the honourable member said. I think he has always found that my attitude in the Council has been the same, whether a Labor Government or a Liberal Government has been in office. In regard to the Housing Trust being a Government instrumentality, I cannot see any sense in requiring it to pay duty under this Bill. A number of book entries would be necessary and they would be costly to make. By the same token, I am rather surprised that the Electricity Trust has not been exempted, because exactly the same thing applies to it: it will merely be paying money that either the Government or the consumer will have to refund to it. I do not know whether the intention is to make the consumer pay more for electricity. As the Chief Secretary has said, this tax is fairly minor.

I agree with the Hon. Mr. Shard's interjection (in response to my interjection) that he does not like the principle of the tax. I do not, either. I made no secret of this during the second reading debate. Regarding local government, I agree with the Hon. Mr. Bevan that there are different people paying this tax to the Government. Local government is exempt in certain circumstances from Commonwealth sales tax, for instance. It has to pay other taxes, yet the Commonwealth and State Governments, except the Commonwealth Bank, do not pay rates to local government, although local government has to render considerable services to these Governments, not only by way of refuse collection and that sort of thing but also by providing pavements and roads. So, I agree with the Hon. Mr. Gilfillan, in principle, that local government, in return, should not be taxed. If State and Commonwealth Governments paid rates to local government in respect of their properties, then by all means it should be taxed in the same way but, when Governments exempt themselves from rates, I do not agree in principle that local government should be taxed. However, one must view these things in a balanced way.

I was interested to hear the Chief Secretary's measured words that he thought (I hope I am quoting him correctly) that the amendment went too far. That suggests to me that there may be some middle course between the Government's exemption clause and the honourable member's amendment. Some local government bodies carry on certain businesses in pursuance of their powers under the Local Government Act, and the Chief Secretary may have in mind that local government should not be completely exempt but that something more than "rates or any payment made from Government funds" should be exempt. Local government is getting in much revenue, for instance, from parking meters, and in my opinion they are getting that revenue in a very proper way. If local government is to be on the S.D. plan it would, I imagine, pay this tax on parking meter revenue.

The Hon. C. M. Hill: That is so, and also from parking stations.

The Hon. Sir ARTHUR RYMILL: That confirms what I rather hazarded would be the position. Such matters of revenue, to my mind, come somewhat in the same category as rates, because they are a contribution towards the upkeep of the various cities involved by people who use those cities, quite distinct from the actual ratepayers of those cities.

I have always been in favour of the fact that people who use cities and do not necessarily live in the local government area involved should have some obligation for a reasonable contribution to their upkeep, and that is why I have never been averse to parking meter revenue and I have never resented paying it myself, even though in the main I pay city rates in the area in which most of the parking meters are situated. I consider that people who are getting the benefit out of the services provided by local government should not resent having to pay something towards the cost of those services. A council should not merely be reliant on the rates paid by the people in the area.

Most of the people of other local government areas, at some time during the year at least, use the city area, even though many of their own areas are not used at all by people who are ratepayers in the city. If the Chief

Secretary is not prepared to accept the amendment, will he be prepared to consider something in between and to exempt revenue of local government authorities that is in the nature of rates? I do not know quite how one would define that. Perhaps it could be defined as revenue not from special businesses carried on by these local government authorities but in the generality of their pursuits—revenue that is available to them, whether from the ratepayers or not, in the nature of such things as parking meters and fees for the use of local government facilities and the like.

The Hon. R. C. DeGARIS: Sir Arthur Rymill has touched on one of the difficulties, which concerns an accurate definition of what should be exempted. Local government authorities raise revenue in many ways, such as from caravan parks, parking stations and meters, and from various inspection fees and other charges, and it would take some time to define exactly which charges would carry stamp duty. I am prepared to investigate this to see whether I can get an amendment that reaches a compromise between the view of the Hon. Mr. Gilfillan and the Government. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

## MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2839.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the Bill, which amends a most important Act, designed as it is to ensure, as far as is possible by legislation, that those who go down to the sea in ships are safe from misadventure. I was aware that some of the things contained in the Bill were coming up, as they had been discussed at meetings of the Transport Advisory Council that I attended during the past three years.

One matter in the Bill which received only a passing reference from the Minister was in regard to clause 4. Apparently owing to an oversight in the years 1947, 1957 and 1962, proper action was not taken regarding the amending Acts passed in those years to see that there was no doubt as to their validity. When one looks at the matters contained in those Acts, one realizes how important it is to see that the appropriate action should be taken immediately so that a matter in an Act is put beyond any doubt. The amendments moved in 1957 were particularly important, as they provided that coastal trading ships in South Australia were to carry wireless. This applied also to ships carrying passengers for hire on journeys commencing and ending at the same port in South Australia.

Another amendment in that Act dealt with the manning and equipment of fishing vessels. These amendments have been a big step forward in the matter of safety at sea. In 1962 the manning scales that were contained within the Act prior to that date were removed from the Act and provisions were inserted which enabled regulations to be issued laying down manning scales. Another matter dealt with was in regard to the furnishing of stability test information before survey certificates could be issued. Also in 1962 the Second Schedule of the principal Act was brought up to date by the striking out of the first part and its replacement by a revised first part. This schedule contained rules for preventing collisions at sea.

Under the Bill we are discussing a manning committee is to be set up. The committee, after due consideration, will make a determination laying down with what minimum complement of officers, engineers and seamen the ship should be manned and what should be the respective minimum qualifications and experience to ensure the safe navigation of the ship and the safe use of the equipment and machinery of the ship in matters incidental to its navigation. The manning committee may also review such determination and vary it as it thinks fit. This part of the Act applies to every coast trade ship or river ship in South Australia. The interpretation of "ship" in the principal Act includes every description of vessel used in navigation not propelled by oars. A "coast-trade ship" means any ship employed in trading or going between any port or place in South Australia and any other port or place in South Australia. A "river ship" is defined to include a ship plying within any port or on any lake or river within South Australia.

There is one matter which is not referred to specifically in the Act and which the Minister may inform us about later. Because of the recent developments in hovercraft all around the world and the recent demonstration of such craft at Port Adelaide, at which some proved effective and others not so effective, can the Minister say whether these definitions I have quoted would include hovercraft? Having looked up this matter some time ago, I know that these types of craft are dealt with differently in different countries, and I believe that in some countries they are regarded not

as seagoing craft but as flying craft. I am not sure whether this aspect has been taken care of in this Bill: perhaps the Minister could inform us about this later.

The committee is to be constituted by the appointment by the Governor, on the recommendation of the Minister, of two qualified master mariners and one qualified marine engineer, one of whom shall be appointed chairman. The committee will be completed by the appointment of other persons, not exceeding two in number, who have been nominated by the owner or agent of the owner of the ship in respect of which the committee is to make or review a determination. A quorum will consist of three members of the committee but, unless the Minister otherwise directs in writing, it must contain all the members nominated by the owner or his agent.

The members nominated by the owner or his agent are to be appointed only for the period when a particular ship is being considered and the determination made. This is a logical and effective way of dealing with the matter and, as the Minister said in his second reading explanation, this is the way the matter has been handled in the Commonwealth sphere and in the other States. I agree with the way in which the committee has been formed, because it will mean that only people experienced and knowledgeable in marine matters will be appointed to it, and in this way we can be assured that the matter will be dealt with effectively, although, of course, in past days the committee consisted of a magistrate and other persons. One magistrate had a long association with the committee and, as a result, gained a wide knowledge of marine matters. No criticism was made of the decisions made at that time. However, this position may not have continued because, with the movement of people from one place or one sphere of activity to another, new persons without the knowledge gained by experience and association might be appointed. I therefore think that this is a better way of dealing with the matter, because we are assured that only people with specialized knowledge will be appointed to the committee.

Clause 21 provides that the provisions of the principal Act contained in Division V shall be extended to fishing vessels. This division deals with the power of the Minister to direct that a record of a ship's draught of water and clear side or freeboard be kept. This will be an important record and will, I presume, show in the case of accidents at sea whether the ship had been overloaded at any period. I have seen fishing vessels and, for that matter, pleasure craft loaded to the extreme and showing very little freeboard. Apparently some people are prepared to gamble their lives and those of other people for a little extra return. Anything that we can do to discourage this practice should be done.

Clause 27 provides for a new section dealing with the surveying of ships and the issuing of certificates of survey. New section 78a, inserted by the clause, will make it an offence for anyone to make or cause to be made any alteration to equipment or machinery or any structural alteration to the hull of a ship without first having the written consent of the Minister. As the Minister has said, this will perhaps prevent any repetition of those unfortunate happenings that have occurred in the past where structural and other alterations have been made to ships after they have been issued with a survey certificate, as a result of which ships have foundered. Although there are examples of this having happened, I will not mention any specific instances. The proposed amendments are an improvement on the principal Act. In addition, those clauses which will ensure the validity of the previous legislation are necessary and urgent. Therefore, I support the second reading.

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

## FRUIT AND PLANT PROTECTION BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2848.)

The Hon. L. R. HART (Midland): I support the Bill. From time to time it is necessary to introduce amending legislation to meet present-day requirements, and it is also often necessary that the protection given shall be very stringent because of those requirements. One may say that South Australia has been conscious over the years of the great damage that can be caused by certain diseases, not only in the stock industry but also in the fruit and plant industry. Being an export State, South Australia must protect this industry from the effects of disease. Possibly one of the greatest examples of the benefit of protection is the way in which the fruit fly has been dealt with. This State has a valuable export market, and it is only because certain areas of the State can be declared free from fruit fly that this export trade has continued. Also, it is necessary that stringent measures be taken to protect our

fruit and vine industry from the ravages of disease, so we have this new Bill before us superseding legislation introduced as early as 1885. Now, 83 years later, we have another Bill which is, nevertheless, substantially the same in many respects. It has been criticized. However, some of the powers at which the criticism is levelled have been in the Act since 1885, so I think the fears are not necessarily justified.

The main criticism is of clause 8, dealing with onus of proof. I do not suppose anybody likes such onus of proof provisions but we must realize that similar provisions appear in other legislation—for instance, in the Bush Fires Act and the Stock Diseases Act. No doubt, if one liked to do sufficient research, one could find such provisions in other Acts, too. There might be a danger if an over-zealous inspector decided that an owner had been concealing a certain disease or pest within his orchard, but I think that, generally, fruitgrowers, who are mostly conscientious and progressive, would not purposely conceal the discovery of such an infestation. It would be in their interest to report it. Only the unscrupulous type of orchardist would endeavour to conceal the pest or disease that might be discovered in his orchard. So, although we do not like this provision, it is something we must accept in the interests of good husbandry in our orchards.

Another clause that has been criticized is clause 11, which relates to the power of entry. This was in the original Act of 1885, and this provision is substantially the same today. In the debate on the 1885 Bill certain criticisms were made of the right of entry, but I do not think that over the years there has been any substantial evidence of that right being abused. Indeed, if we are to discover infestations in orchards and prevent the spread of certain diseases and pests, it is necessary that this right of entry should exist. Another clause to which some exception has been taken (perhaps justifiably in this case) is clause 17, which relates to the serving of a notice. It provides:

Where under this Act provision is made for an inspector to serve a notice upon the owner of any land or premises that notice may be served (*a*) personally; or (*b*) by post; or (*c*) by affixing it in some conspicuous place upon the land or premises.

It does not say on which land or premises the note should be affixed. If it is to be on land or premises occupied by the owner, there may be some justification for this clause; but, if it is to be on the land or premises on which the disease may be discovered, it may well be some time before the owner visits that particular property or section of the property, and the disease or insect discovered may well have spread by then to other areas. So, there should be a little tightening up of clause 17, because in its present form it could lead to anomalies. However, I believe the introduction of this Bill is timely and in the best interests of the industry of this State. Provided it is not applied over-zealously and is administered sensibly (as, no doubt, it will be by the efficient officers of the Agriculture Department) I think that nothing but good can come of it. Therefore, I have much pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. C. R. STORY (Minister of Agriculture) moved:

To strike out " 'the Chief Horticulturist' means the Chief Horticulturist of the Department of Agriculture:"

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—"Notifiable pests and diseases."

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

To strike out subclause (3).

Subclause (3) places the onus of proof upon the accused. Although in certain circumstances it is difficult to prove an offence in any other way, I think in this case it is easier for the prosecution to prove its case than it is for the accused to establish his innocence. The onus of proof should not be placed upon him.

The Hon. C. R. STORY: I oppose the amendment, because subclause (3) contains the teeth of the Bill. There is nothing new in such a provision: it has been used in several other measures brought before this Council. I think in one or two cases the Hon. Mr. Kneebone has introduced Bills containing a similar provision; for instance, the Builders Licensing Bill, the Motor Vehicles Act Amendment Bill and (in almost similar form) the Licensing Bill. I believe some onus must be placed on the individual. As I said in another Bill dealing with exotic diseases such as rabies, early notification is important, especially when dealing with fruit fly and phylloxera. In such cases time is important, and I have had experience of oriental fruit moth that probab'y had been harboured for a long time before being discovered. Had some onus been placed on the individual to tell an inspector or a horticulturist adviser, "There is something new in

my orchard; I have seen it there for the first time", then such a person would be exonerated from any blame, because the onus would then have been transferred to the department.

The Hon. A. F. Kneebone: That is if that person is aware of it but, as the Hon. Mr. Kemp has said, this could be easily overlooked.

The Hon. C. R. STORY: It could be, but I do not think it would be. I believe one has to work on the land to understand these things fully. A normal, observant farmer or horticulturist would be constantly travelling over his land. Perhaps it would involve 100 acres on a larger horticultural holding, but the normal size would be about 25 acres. The owner would almost know each vine or tree by name. The same would apply to a medium-sized farm; the farmer goes about his paddocks regularly, and if he saw an unusual weed that he had not seen before he would know immediately.

The purpose of the Bill is to ensure that if a different type of pest is noticed on a property, and the owner sees it perhaps two or three times, all he need do is tell the inspector or horticultural adviser and the onus would then be placed on the department to take further action. In this clause the man affected would be the person who knew he had an infestation likely to be dangerous, but having to spray it, thus costing money, he would keep quiet about it. That is the type of man who would let things get completely out of control before taking action. If the subclause is not included, I see little point in having clause 8 in the Bill. A few days ago this Council included a similar provision in the Stock Diseases Act Amendment Bill.

The Hon. S. C. Bevan: Except that the disease was proclaimed to be a notifiable disease.

The Hon. C. R. STORY: "A person who discovers any fruit or plant affected by a pest or disease declared by proclamation to be a notifiable pest or disease" is the language used in subclause (2). Plenty of publicity is given to make known such pests, and all farmers and horticulturists would know what they looked like. In every agricultural or horticultural office all noxious weeds are displayed: San José scale, with a halo around its head, and oriental fruit moth, with a moth displayed and the tip of the affected tree shown, are examples; consequently, some provision must be made so that individuals are made responsible.

The Hon. A. F. KNEEBONE: The Minister said that without this subclause the clause would have no effect. I think the penalty of $200 is enough to cause people at least to notify the existence of a pest or disease. I am aware that such a clause has been included in other legislation, but perhaps it is necessary in those cases. Many experienced people engaged in horticultural pursuits have said that it is possible for a horticulturist to do everything necessary but still some disease could escape his notice. This subclause places the onus on him to prove that he was not aware of the existence of the disease or pest. That is difficult to prove.

The Hon. C. R. STORY: The point that the honourable member has missed is that, if such a person could show that he did not know of the incidence of the pest or disease, he would be completely exonerated.

The Hon. A. F. Kneebone: But he has to prove it.

The Hon. C. R. STORY: The purpose of the Bill is to protect the industry. We must ensure that people will notify existence of a pest or disease. The man we are after is the one who knows very well that on his property he has had for two or three years a particular disease, and he has been able to identify it. Because he is a non-commercial grower or a very small grower, to make sure that he does not have to spray he does not let on about it. Before we know where we are, this thing will have spread over hundreds and hundreds of acres of horticultural land. If it is as damaging as phylloxera, the whole industry could be wiped out. He can be exonerated if he can prove he did not know of the existence of this pest. We do not have sufficient inspectors to go all over the State and search every property, so we must rely on the assistance of the producers.

As a responsible Minister I must thoroughly examine every matter in respect of which a prosecution may be instituted, and I have done this in every case since I became a Minister. I do not want to involve the State in litigation and I do not want to get an innocent person into trouble. After I have examined a matter in respect of which a prosecution has been proposed, the Crown Law Office must decide whether a case can be sustained. The person prosecuted, of course, has all his rights. I hope this important clause will be retained in the Bill.

The Committee divided on the amendment:

Ayes (6)—The Hons. D. H. L. Banfield, S. C. Bevan, G. J. Gilfillan, H. K. Kemp, A. F. Kneebone (teller), and A. J. Shard.

Noes (12)—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, L. R. Hart, C. M. Hill, Sir Norman Jude, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story (teller), and A. M. Whyte.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Clauses 9 and 10 passed.

Clause 11—"Powers of inspectors."

The Hon. H. K. KEMP: I object to the complete lack of restriction on right of entry of an inspector, particularly in the case of business premises where one would not normally expect to find fruit. Section 9 (7) of the principal Act provided:

The Minister may, notwithstanding anything contained in this Act, hear and determine any appeal from the decision or direction of any inspector.

The new provision makes the inspector all-powerful and, I think, clothes him with powers that are not fitting for the discharge of his duties.

The Hon. C. R. STORY: Clause 10 provides:

(1) The Minister may appoint a chief inspector and such inspectors as he deems necessary for the purposes of this Act.

(2) A chief inspector or inspector shall hold office subject to such terms and conditions as the Minister may determine.

(3) A chief inspector or inspector shall be entitled to receive such remuneration as the Minister may determine.

An inspector cannot be appointed under this legislation unless the Minister appoints him; in most cases the Governor appoints him, in the final analysis.

The Hon. S. C. Bevan: The Minister makes the recommendation.

The Hon. C. R. STORY: Yes. The Chief Inspector will be a degreed person, and the inspectors will have the Roseworthy Diploma of Agriculture or an equivalent qualification. They will have had much experience before being appointed. There is nothing in the provision that prevents a person from exercising his right of appeal to the Minister. There is a right of appeal to the Minister, who is bound to hear all such matters that come under this provision. Under clause 13 the Minister may empower inspectors to take action. The inspector cannot do something unless he has the authority of the Minister to do it. In some cases in this Bill that authority has to be specifically given.

I do not know how we could restrict the right of entry to any specific type of building. Any premises or any vehicle could contain fruit. Also, the inspector must suspect that there is something there before he can make an inspection. Caravans passing through road blocks and such places could contain bags full of fruit, rooted vines or cuttings. I do not know how we could restrict an inspector in this matter. First, the Minister has to appoint these inspectors, and clause 13 empowers the Minister to lay down the conditions under which inspection is to be carried out.

I do not think there is anything in this clause that is not contained in similar types of Act. I well remember the Branding of Pigs Act in 1964. This problem was raised when we were discussing the Fauna Conservation Act, but two days previously we had passed the Branding of Pigs Act containing these very provisions. Under the Fauna Conservation Act an inspector has the right to break open refrigerators. Therefore, this is nothing new. As far back as memory goes there has been provision under the South Australian Railways Commissioner's Act for inspectors to search people's belongings and to enter various places. I do not think this provision is objectionable.

The Hon. H. K. KEMP: I suggest that the Minister has done a marvellous and masterly job of clouding the issues. The inspection of travelling vehicles is done where vehicles are moving across a State line or a quarantine boundary. However, I am more concerned with the day-to-day working of the Act. When outbreaks of fruit fly occur, the department always employs a big staff, many of whom are very sketchily trained. Although they are capable of looking for what they are supposed to look for, many of them have only very temporary appointments indeed, and they are apt to take the attitude of a person with new power that he is not used to. As a result, some of those people do some silly things.

I have seen permanent inspectors who have been struck with a crusader's enthusiasm, and without going into details I can say that there is definitely need for restraint on inspectors in unusual circumstances. I consider that the entry of premises that are other than those in which fruit is normally inspected should have to be authorized in writing by the Chief Inspector.

I very much doubt whether under the Fauna Conservation Act it is very likely that a refrigerator would be broken open without the direct and express authority of the Chief Inspector. I think this provision is far too wide. Give the Chief Inspector the power by

all means, for usually he is a person who has a healthy regard for the consequences if he does the wrong thing. However, the people who are given jobs as inspectors often do not have that same regard for the consequences.

The Hon. L. R. HART: I believe the only point of any substance the Hon. Mr. Kemp has raised is this question of the inspector being required to show his authority. I believe there should be some provision for that somewhere in the Bill. The other matter concerning the right of entry or power of entry has been in the Act since 1885.

The power of entry is contained in many other Acts also. In fact, in some of the other Acts that power is much more severe than it is in this Bill. I believe there must be a right of entry, but I consider that there should be provision somewhere requiring an inspector to show his authorization. In other respects, I support the Minister.

The Hon. A. M. WHYTE: I do not have any quarrel about the authority of the inspector or the right to inspect, but what would happen if an inspector discovered a disease and ordered eradication or control? Is his word final, or could a landowner appeal to someone before anything was done? He may not agree with the inspector.

The Hon. C. R. STORY: Clause 13 provides for this. The inspector may, with or without assistants, enter upon any land or premises and implement measures for the control or eradication of the pest or disease in accordance with the direction of the Minister. Therefore, the matter is in the hands of the Minister.

The Hon. H. K. Kemp: But, once the Minister has set loose the hounds, no-one can leash them again.

The Hon. C. R. STORY: This is the direct responsibility of the Minister and, if he has foolishly set loose the hounds, the responsibility is still with him. Therefore, the person who considers he has been wronged can come back to the Minister.

The Hon. A. M. Whyte: And the Minister, after doing this, would not do anything.

The Hon. H. K. Kemp: The Minister cannot do anything after he has set them loose. We have seen this happen before.

The Hon. C. R. STORY: I have spent my life in every facet of this industry, and I have never known anyone to have been seriously wronged. Indeed, more power was given under the old Act than is given under this Bill. Under clause 13 (4) the Minister may delegate to the Chief Inspector his powers but such a delegation shall not derogate from the powers of the Minister to act under this clause himself.

Clause passed.

Clauses 12 to 16 passed.

Clause 17—"Service."

The Hon. H. K. KEMP: This clause goes far beyond what is reasonable in the service of notices. If an inspector serves a notice by post, he does not have to check whether it was actually delivered and, in these circumstances, serious situations could arise. Surely the clause should provide that the notice must be served by registered post. Also, it is going too far to provide that a notice can be served merely by affixing it in a conspicuous place upon the land or premises of the person to be served. If such a notice were served in that manner, it should be followed by a postal notice. We are giving these people power of salutary action.

The Hon. C. R. STORY: If the Hon. Mr. Kemp is prepared to move that the word "registered" be inserted, I shall be happy to agree to his amendment.

The Hon. H. K. KEMP moved:

In paragraph (*b*) before "post" to insert "registered".

Amendment carried.

The Hon. H. K. KEMP moved:

In paragraph (*c*) after "premises." to insert "Notice shall be served by post or personally within seven days of such a notice being affixed on unattended land".

The Hon. Sir ARTHUR RYMILL: I should have thought that this method of serving notices was a little antiquated. One used to hear of persons nailing writs to masts of ships and so on, but I think that was nineteenth century practice. I do not think any notice would now be served by nailing it on a post of a property: it would be served either personally or by post. Does the Minister consider that this is a satisfactory method of service, bearing in mind the rights of the individual?

The Hon. C. R. STORY: I know it is proper to become up to date, but there are still some circumstances in which the affixing of a notice is the only method by which one can draw the public's attention to the fact that a particular orchard is under some restriction: it may be for the taking of cuttings from it or for the purpose of notifying the public that the owner has had a notice served upon him in

respect of a specific disease or pest. It is not the normal method used in these matters. Generally, notices are issued either personally, where possible, or by post (and now it will be by registered post) but there are many instances where the owner of a property cannot be located: we can send him as many registered letters as we like but we cannot contact him. It may be an abandoned orchard, and the only way of acting statutorily is to affix a notice there and then proceed to clean up whatever happens to be there. If we cannot serve a notice on a person either personally or by post, we have to resort to the only other method available—affixing the notice to a prominent place on the property. It is not normal practice but, as in other legislation, we should provide for the odd occasion where this has to be done. I see no reason why we should not retain this third method, although it is not a normal method.

The Hon. H. K. KEMP: I agree there is a need for this, because it is surprising how frequently this sort of thing happens. I know there is a need for something more than the attaching of a notice to a gate post, because rarely can the owner not be traced. In the country there is sometimes uncertainty about the ownership of land, and it would not be enough merely to pin a notice up and say "That's that." This method sometimes has to be used where abandoned plantings have to be destroyed but, where it is possible to locate the owner (as can often be done through the Lands Titles Office), notice should be served.

The Hon. Sir ARTHUR RYMILL: The Minister has convinced me of the need for this provision, so I withdraw what I have said.

Amendment negatived; clause as amended passed.

Clause 18 passed.

New clause 18a—"Governor may amend, vary or revoke a proclamation."

The Hon. C. R. STORY: I move to insert the following new clause:

18a. The Governor may, by proclamation, amend, vary or revoke a proclamation under this Act.

The purpose of this new clause is to meet the wishes of the Hon. Mr. Kemp and other honourable members who desired new regulations to be made after five years and all proclamations under the present Act to be revoked. This new clause provides for that. I assure all honourable members that the department has been waiting for 10 years or more to get consolidation in this form so that it can bring down new regulations, proclamations under this new legislation thus being made redundant. I think this solves most of the difficulties. It would be difficult to go right through all the regulations every five years. These regulations will be put before Parliament and the proclamations will be cleaned up when Parliament resumes—every session, I should think.

The Hon. Sir NORMAN JUDE: I seek further explanation from the Minister about proclamations and regulations. It seems to me that the following clause deals essentially with the making of regulations. The disadvantage of regulations in the event of the discovery of a particular pest or disease is obvious: in that case it is highly desirable that the Governor make an immediate proclamation. I am not objecting to a proclamation, but why does the Minister want proclamations and regulations? It seems that he is covering himself more than fully. Clause 19 covers so much by regulations that, by the time the regulations can or cannot be disallowed, they are ineffective; so a proclamation in this case may be desirable. I think the Minister should rely upon it.

The Hon. Sir ARTHUR RYMILL: Proclamation is provided for by clauses 4 to 9, inclusive.

New clause inserted.

Clause 19 and title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. H. K. KEMP: I wish to move that the Bill be recommitted for reconsideration of the title.

The PRESIDENT: It is necessary that the honourable member move that Standing Orders be so far suspended as to enable him to do this. The Committee's report has been adopted. Before it was adopted, the honourable member should have moved that the Bill be recommitted. If Standing Orders are not suspended, the next opportunity available to the honourable member would be before the third reading on another day. Does the honourable member wish to move that Standing Orders be so suspended?

The Hon. Sir ARTHUR RYMILL moved:

That Standing Orders be so far suspended as to enable the Hon. Mr. Kemp to move the motion he has outlined.

Motion carried.

The Hon. H. K. KEMP moved:

That the Bill be recommitted for reconsideration of clause 1.

Motion carried; Bill recommitted.

Clause 1—"Short title and commencement"—reconsidered.

The Hon. H. K. KEMP moved:

To strike out "Fruit and".

The Hon. Sir ARTHUR RYMILL: "Plant" is defined in this Bill as meaning any tree, vine, flower, shrub, vegetable or other vegetation, etc. This certainly covers everything growing that would bear fruit. I wonder whether the word "plant" would cover fruit once it had been removed from the tree, which I imagine is one of the objectives of this Bill?

The Hon. C. R. STORY: I would be prepared to delete "plant", because the primary purpose of the Bill is to deal with the products of the plant. I think the word "fruit" is important, and I query the wisdom of deleting it from the Bill; it is fruit and plant protection legislation. If this amendment is carried, people could be misled.

The Hon. Sir ARTHUR RYMILL: I noticed, as did the Hon. Mr. Kemp, that the title had been shortened, and I wondered whether that was a good thing. However, I now wonder whether it is a good thing to amend the title, because the words "fruit" and "plant" have entirely different definitions. I think both words are necessary because the Bill relates not only to growing plants but also to fruit stripped from the plants, and it then has no relation to the plant. It is like mowing hay at Balhannah: once the stalks have been severed and put into bales they are no longer pastures but become hay.

The Hon. L. R. HART: I think the Committee is splitting hairs. If the title is altered, we must also alter the interpretation clause, as both fruit and plant are defined in it. We are dealing with two separate matters: "plant" in one respect means a tree. We can be dealing with pine trees that may be affected with sirex wasp, and in other instances we are dealing with fruit; therefore I believe the title should be left as it is.

The Hon. M. B. DAWKINS: I believe the title should be left as it is. We should be dealing with fruit and plants, and I oppose the amendment.

The CHAIRMAN: I point out to the Committee that the words "fruit" and "plant" occur several times throughout the Bill.

Amendment negatived; clause passed.

Committee's report adopted.



## ELECTORAL DISTRICTS (REDIVISION) BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2850.)

The Hon. F. J. POTTER (Central No. 2): This is the first major Bill that I have had to consider since I returned from Nassau, where I represented this Parliament at this year's Commonwealth Parliamentary Association conference. When I left to go to the conference this Bill was only in its embryonic stage in another place. I found, on my return, that much had happened in this and in another place concerning electoral laws in this State.

I should like to take this opportunity, before addressing myself to the subject matter of the Bill, of saying how pleased and grateful I was to be selected by members of this Parliament to represent them at this year's Commonwealth Parliamentary Association conference. It was a successful conference, and both there and in the tour that I was privileged to make before the conference started I learned many things. I will in due course submit to all honourable members a written report of what occurred at the conference and of my views on some topics that were raised.

This major Bill comes to us from another place and deals with a redistribution of the House of Assembly electoral districts. As a result of talks with certain people since my return, I do not think that very many people in this State yet realize what a tremendous change this Bill will bring to the political life of this State and what a real watershed this Bill will be when it is implemented. (I believe that, in due course, it will be implemented.) It will completely change the whole face of this Parliament and perhaps the whole face of politics in this State.

We have had changes in the past, but this Bill effects the most radical change we have ever had. It is obvious, of course, that the Bill completely reverses what has been the political set-up of the House of Assembly for many years. It completely changes the concepts of the metropolitan area and of the country area and it completely alters the balance of representation of these two areas. As other honourable members have said, the Bill provides that there will be 60 per cent representation in the House of Assembly for the new metropolitan area, compared with 40 per cent representation for the rest of the State. This change alone will effect tremendous alterations in our political life.

This Bill has been introduced because there was a demand in this State for some fairer method of determining House of Assembly electoral districts. It arose partly out of a cry that we had been hearing for a long time—that there should be some form of value in a person's vote. For a long time we had heard the cry that there must be one vote one value. My experience during my trip overseas has led me to doubt perhaps whether, if we had a system of one vote one value, we could be sure that we would necessarily have a democratic form of Government.

I noticed overseas, particularly in the newly emerging States, that much was said about the democratic ideal of one man one vote and one vote one value, that this was hailed as being democracy—the great democracy that they had instituted in some of these newly emerging countries. If one talked to the representatives of those countries, however, and if one talked to the Ministers in their Governments, one realized that their proud claims about there being one vote one value or one man one vote did not necessarily mean that democracy thrived in those countries.

All kinds of doctrine were being advanced in some of these countries. Some people spoke of engaging in some kind of guided democracy, and I think some of the back-benchers were greatly confused as to whether their real loyalties lay with the people who elected them or the Party of which they were members. Many back-benchers were confused whether it was their duty to bow to the wishes of their electors or whether it was the duty of the Government of the day to tell the electors what was good for them. So, we must not run away with the idea that, because we are getting nearer to a system of one vote one value in this State, we necessarily have an ideal democracy here—or anywhere in the world, for that matter.

Much more needs to be considered about what we mean by the word "democracy". The other day I read that someone had a theory that the really important sense of the word "democracy" was not that the electors should be called upon to mark a ballot-paper on polling day but that they should have a sense that they were really participating by that act in some measure of Government in their country. It is important that the voters must feel that, through their exercise of the franchise, they are really participating in the government of the country. I doubt whether this sense of participation is very easily engendered in a society where voting is compulsory. In this sense I think I agree completely with the Hon. Mr. Springett, who said the other day that it is not a democratic thing at all to compel people to vote.

As all honourable members know, this Bill provides for 47 House of Assembly seats. I do not think it has been explained either here or elsewhere (and I have not been able to read this since I returned to South Australia) why this particular number was chosen. Originally it was mentioned at the last State election that the number would be 45, and I do not know to this day why this was increased. Having said that, it is plain to me, and I suppose to all honourable members of this place, that as the Assembly has deliberated on this Bill and has sent it to this Chamber it is here our function to act as a House of Review. We should not lightly interfere with the considered vote of another place as to its own electoral system and its own electoral boundaries unless another place has deliberately acted in a manner that is unjust to the electors of this State or has deliberately trampled on the rights of minorities.

As far as I can see, nothing like that occurs in this Bill. In fact, it is a measure, by a somewhat protracted method, to do more justice to the people of this State in providing for new electoral boundaries for that House, and I for one am prepared to support the Bill and say that the Council should not lightly interfere with the settled arrangements that have been agreed upon by both Parties in another place.

However, although I am prepared to support the Bill in connection with the boundaries that are proposed in the agreed definitions of the metropolitan area and the rural areas of the State, and in connection with the particular percentage distribution that has been worked out there and agreed upon, I am not happy with the provisions of the Bill concerning the Legislative Council districts. It might be said very briefly that this Bill does practically nothing regarding the Legislative Council districts; it merely says that the commission, which is to report upon this Bill and present its report to Parliament, must in fact not interfere with the existing Legislative Council districts except to provide certain marginal adjustments as a result of the new Assembly distribution.

If we look at our Constitution we see that our Council districts are made up of House of Assembly electoral districts. There are a

certain number of named House of Assembly electoral districts in each Council district, and for the life of me I cannot see how, when this Bill is passed and the commission gets down to the job of working out the new electoral boundaries for the Assembly on a totally different system from that now existing, the commission can, as it were, just make some minor adjustments in the Legislative Council boundaries and superimpose upon the new Assembly electoral districts the existing Council boundaries. I would have thought that this was an opportunity that should have been taken by the Government to see that the question of new Legislative Council districts was looked at by the commission to be set up under this Bill. However, as far as I can see, nothing like this is proposed at all. I would have thought that when the commission was engaged on the job of working out the new boundaries, both in the metropolitan area and in the rural area, it perforce could not help but consider the position of the Council.

The Hon. G. J. Gilfillan: You are not suggesting the same percentage of members as is being adopted for the House of Assembly, are you?

The Hon. F. J. POTTER: No; all I am suggesting is that it seems to me that here we have a Bill that authorizes the setting up of the commission to review completely the boundaries of the House of Assembly but that the Council boundaries are to be left more or less as they are. Apparently no thought is being given at this stage to the tremendous differences this redistribution will make to the Council districts, whether they be metropolitan districts or country districts.

It is obvious, of course, that if we are going to follow the same formula that has been followed in the past, with the Council districts made up of a certain number of Assembly districts, the picture for the Council will be radically changed from what it is at present. I would have thought it would be a good thing for the matter of new Council boundaries and a new Council electoral distribution (whatever one may call it) to be referred to the commission with the same terms of reference as is contained in this Bill, so that the commission would not do the job piecemeal but would define the new Assembly districts and then define what obviously will have to be defined at some stage, namely, new Council boundaries.

I think the Bill to that extent is deficient, for I consider it is quite wrong that we should set up a commission to do this job, which perhaps will be a long and tedious task, and then ask it perhaps at some later stage (as has been suggested, I understand) to turn its attention to the matter of new Council districts and boundaries. This is something that should be done at the same time, so that we could then have the benefit of the one report from the commission. I hope that perhaps some honourable members might give their attention to this matter and see whether or not the Bill could not be amended, when we get into Committee, to bring about what I think would be a desirable result. I have no quarrel with the Bill as it affects the House of Assembly, and I support it.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

## BOILERS AND PRESSURE VESSELS BILL

Adjourned debate on second reading.

(Continued from November 27. Page 2781.)

The Hon. G. J. GILFILLAN (Northern): This Bill is a long and complex piece of legislation. I do not intend to deal with it in detail because I believe it is more of a Committee Bill and that consideration can be given to each clause in Committee. However, I agree with the Minister that there is a growing need for this legislation to be widened to cover many of the new problems that have arisen owing to changes in modern practices of storing a wider range of gases and liquids under pressure. In his second reading explanation the Minister said:

> The Steam Boilers and Enginedrivers Act applies only to vessels in which steam or air is generated or stored above atmospheric pressure. There are now many gases, liquefied gases and liquids that are stored at high pressures, and in the interests of safety it is necessary that the scope of the Act should be extended.

I agree with that statement because we are fortunate that we have had so few serious accidents under the present Act, which is not wide enough to cover all possible circumstances. The Minister later continued:

> An example that has been suggested is that a gasholder, which would not normally be regarded as a pressure vessel, may be said to be within the definition. It is not intended to apply the Act to a gasholder of the traditional type and these can be excluded by proclamation, but gas for reticulation to consumers is now being stored under high pressure in parts of Australia and the design of these vessels should be subject to the Act.

I agree with the latter part of that statement but I question the provision to allow the exemption by proclamation of a gasholder. I presume that this proposal refers to domestic gas

in portable gas containers, which are used throughout many of the country areas where reticulated gas is not available. Perhaps the Minister will enlighten the Council on this matter when he speaks in reply, but I should think that containers for gas for domestic cooking and a number of other uses which are carried on public transport, and which are often stored in goods sheds and other stores before being delivered, would be one of the most important pressure vessels as far as public safety is concerned, because these vessels contain highly flammable and explosive gas which ignites easily. Can the Minister say, therefore, whether it is intended to leave this type of vessel within the provisions of the Act or whether he is merely using this case as an example, without implying that it should be excluded?

The Bill contains many definitions, the definition of a pressure vessel being a comprehensive one. It provides, too, that pressure vessels of less than 6 cubic feet capacity are exempted. I understand that this is because it is the combination of pressure and volume of air that constitutes a great danger to people in the vicinity. I understand that high pressure, where there is a low volume, is not nearly so dangerous. However, where vessels contain explosive materials, it is a different situation altogether. Indeed, I question whether in this day and age some of the very large motor vehicle tyres that work under extremely high pressures do not constitute something of a hazard, particularly when they are in close proximity to groups of people. Perhaps that matter is not important in relation to this Bill, but I have often wondered what would be the result if a large high-pressure tyre exploded close to a group of people.

Clause 8 provides that the Governor may by proclamation declare that the Act or specified portions of it shall not apply to and in relation to the pressure vessels or class of pressure vessels specified in the proclamation and thereupon the Act or those portions, as the case may be, shall not apply to and in relation to the pressure vessels or any pressure vessels of the class so specified, and the Governor may by proclamation amend, vary or revoke such a proclamation. I have closely studied this clause, as it has been the policy of members of this Council to view with suspicion any clause of a Bill that gives powers of proclamation. It is fair to say that most members prefer such powers to be given by regulation and not by proclamation. However, on a close study of this clause and because of the Bill's contents and the effect it will have, I cannot see that the power of proclamation is undesirable in this instance.

I question clauses 33 and 34 in Part IV which appear to contradict one another. Clause 33 provides as follows:

> Subject to subsection (3) of section 34 of this Act, this Part shall not apply to or in relation to . . .

Then it lists a variety of steam engines and internal combustion engines. Then clause 34 provides (referring to Part I and not to Parts II and III as mentioned in clause 33) as follows:

> A person shall not use, operate or be in charge of, as the case may be, any of the following apparatus: (*a*) any internal combustion engine; (*b*) any steam engine; (*c*) any winding engine; (*d*) any steam boiler . . . unless he holds a certificate of competency authorizing him to use, operate or be in charge of, as the case may be, that apparatus or apparatus of the same kind as that apparatus.

There seems to be a contradiction between those two clauses. One states "this Part shall not apply" to certain things, and immediately underneath the other provides that a certificate of competency must be held before a person can operate certain types of machinery. I also question clause 34 (1) (*f*), which prohibits a person without a certificate of competency operating any "crane or hoist". That seems to be of very wide application. Surely there are classes of crane and hoist used to lift comparatively small weights that could be readily exempted.

The Hon. R. A. GEDDES secured the adjournment of the debate.

## EXPLOSIVES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2851.)

The Hon. R. A. GEDDES (Northern): I support this Bill. I can find nothing contentious in the amendments to the principal Act that the Minister has proposed. They are designed, as the Minister says, to remove "the inflexible provisions of the Act dealing with the position in which a magazine licensed under the Act is to be situated". It is interesting to read the definition of "magazine" in the principal Act:

> "Magazine" includes any hulk appointed for the storage of explosives.

I could not imagine a wider definition of a magazine, presumably for the storage of explosives, than "any hulk". The Minister said:

> At present, a magazine cannot be licensed unless it is situated more than 200 yards from any building, public street or road.

The idea of widening this stipulation of where a magazine may be is so that the tables of safety distances used by the British Home Office, which provide realistic and adequate safety distances, can be brought into effect. However, there is nothing in the Bill to show what the British Home Office safety distances are. Is this a red herring that the Minister has drawn across the trail so that we have to do a lot of homework to find out what this means? Section 21 of the principal Act, as amended, provides:

The Chief Inspector may license as a magazine any suitable building, structure, excavation or place that he approves as suitable for the safe storage of explosives.

Whether it will be by regulation or proclamation and whether the safety distances laid down by the British Home Office will be spelt out I do not know, but the Bill does not tell us what they are. The only reference to this matter is that passage in the second reading explanation to which I have just referred. This tends to make it a little confusing. How can the Council judge whether or not the safety distances used in Great Britain are suitable for Australia, and more particularly for South Australia, when explosives can be stored in excavations, in hulks and in all sorts of places that the Chief Inspector considers suitable? The definition of a magazine includes "any hulk". One presumes that that is in connection with shipping, which has many problems with explosives. We have to be sure that when a ship enters a prohibited area it does not carry so great an amount of explosives in its hold that it may be dangerous to the public and the ship itself. The definition of "explosive" is interesting. It reads:

"Explosive" means—

(*a*) gunpowder, nitro-glycerine, all compounds and mixtures containing nitro-glycerine, gun-cotton, blasting powder, fulminate of mercury or of other metal, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(*b*) fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation of preparation of an explosive as above defined.

The Hon. S. C. Bevan: That covers everythink that goes off with a bang.

The Hon. R. A. GEDDES: I agree with that. The interesting thing is that little is said about the control of fireworks. It was a wise decision to alter the celebration of Guy Fawkes' Day from November 5 so that children would not continue indiscriminately to hurt themselves, as they had been doing over the years on each November 5.

The Hon. A. F. Kneebone: They can get injured on another day now.

The Hon. R. A. GEDDES: Yes, but it does not seem to have the same effect as November 5 did. I am amazed, when I walk through the big stores in Rundle Street on days when fireworks are for sale, to see people often smoking cigarettes quite close to those counters, even when a sign "No smoking here" is displayed. It is amazing that so far there has been no serious accident in that respect.

Other provisions in the Bill relate to the licensing of magazines to ensure that adequate power will exist to enable the Chief Inspector of Explosives to cancel a licence where any breach of the Act or the conditions of the licence occurs. It also contains provisions removing certain administrative difficulties that have been experienced by the Department of Marine and Harbors in relation to ships carrying cargoes of explosives, as well as making the necessary alterations to decimal currency. With these few words, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Licensing of premises."

The Hon. R. A. GEDDES: Reference was made to a definition given by the British Home Office in relation to a provision in this Bill. Will the Minister explain that reference?

The Hon. C. R. STORY (Minister of Agriculture): The British Home Office is the recognized authority in this field. The document is available to honourable members. The Bill endeavours to bring into the existing Act standards applying to the rest of Australia and to the world. I do not think any suggestion has been made that it is not practicable. The Director of Chemistry (Mr. Marlowe) is well qualified to give advice on this matter: I do not think anybody in Australia has more knowledge or is more conscientious in the discharge of his duties than he.

Clause passed.

Remaining clauses (5 to 10), schedule and title passed.

Bill reported without amendment. Committee's report adopted.

## LICENSING ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from November 28. Page 2852.)

The Hon. Sir NORMAN JUDE (Southern): I cannot help wondering whether we are not pandering to popular clamour far too much, and getting our targets somewhat out of proportion in regard to liquor laws. A few years ago the Labor Party campaigned on the drinking issue and found it to be a trump card, which I readily concede it was, but now both the Government and the Opposition, not to be outdone, jump on the bandwaggon and want to increase facilities, although I believe some serious attempts are also being made to clear up the few anomalies that occurred in a somewhat large Bill.

I am not nearly as interested as are some members of the Government in the age of people who drink. What I am interested in is what they drink, how they drink, and when they drink it. "Civilized drinking" has been the cry, but is there anything logical in allowing children of any age to drink in a private home and yet debar them from drinking at a private party given in a licensed establishment? Has any thought been given to it? They would be in such an establishment with their parents and friends of the family, yet it might not be suitable to drink in their homes.

We know that youths and girls under 21 years of age drink in hotels, sometimes with their parents. This means, presumably, that such parents condone a continual breach of the present law. We continually hear how Australian youth matures much earlier than does youth in other parts of the world, particularly in the colder climates, with wide variations, but is that any reason for certain politicians to rush in and try to make political capital out of so-called support for youth? Let us pause a moment. I stand firmly and clearly on the subject of support for youth. I have been closely associated with and have run youth clubs, and many of my friends know of the encouragement I give to healthy youth activity, but that does not mean I go all the way just for the sake of political gain.

It is easy to move along with the popular cry to allow the youth of our country to drink what they like at any age, but that is dodging the issue. It is not the age consideration that we should seek but rather a commonsense approach to liquor, for better drinking. Honourable members may well ask: what would I do about it?

May I offer some suggestions that could be given careful thought even though, in some cases, some valid and cogent arguments may be raised against them? I believe they should be considered by honourable members. For example, what about denying hard liquor, with over 10 per cent alcohol content, to the youth of our country? That is done elsewhere; why has it not even been considered here? What about no drinking for young teenagers except in the presence of an adult? What about lounge drinking only for teenagers, or what about young ladies drinking while sitting at a table rather than standing at bars in mixed company? What about restricting our youth to drinking beer or light dry wines? Many commonsense parents bring up their children with a proper approach to mild drinking on appropriate occasions. How many winemakers advocate drinking sweet sherry? How many winemakers themselves drink sweet sherry? They make it because the public calls for it and because their business is to cater for the public demand, but why does the public call for it? It calls for it because sweet sherry has the greatest amount of kick for the least amount of cash.

However, there is another reason: I think every honourable member will agree that very few young people like beer or dry wine—they like something sweet. Consequently, they start off with a shandy or a port and lemon or a hock and lemon—they just want a sweet taste. It is only when they are older that they want something drier. Unfortunately, this tendency to like something sweet leads teenagers into drinking sweet sherry, which is strong liquor. There should be a two-glass limit for adults, let alone youngsters. No thought has been given to leading young people toward sensible drinking: instead, they are being told, through this Bill, "We are not going to advise you what you should drink —just drink what you like." The result is that many young people get off to a bad start.

In this instance, I am prepared to go along with the main clause in its present form, but I am disappointed that the Government has not given more thought to encouraging young people to drink sensibly, along the lines I have suggested. The Hon. Mr. Shard said that he did not understand the meaning of clause 7. I believe that this clause is typical of the twaddle sponsored by some people who, only a few years ago, poured contempt on any attempt to amend our liquor laws. Many people have said that girls today mature at a younger age. I believe that altering this pro-

vision was inadvertently omitted when this Bill was passed in another place. I suport the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

## POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2839.)

The Hon. D. H. L. BANFIELD (Central No. 1): I support the Bill. The principal Act provides that applications for legal assistance must be made before the jury is empanelled. However, judges have noticed that, after a jury has been empanelled, it sometimes becomes evident that a defendant would be better served if he had legal assistance. However, at present, the judge at that stage cannot offer such assistance to the defendant. So, clause 2 is a step in the right direction. Clause 3 amends section 4 of the principal Act, which states the maximum value of a person's assets if he is to be qualified to receive legal assistance. I do not think the provision has been used for many years, so I do not know why the Government retains it in the Act.

At present, if a person is to receive legal assistance he must apply to the Law Society, which applies a stringent means test. About one-third of the applicants receives free assistance, about one-third is granted a reduction in legal fees, and the other third must pay the full legal costs, but probably on a time-payment basis. Of course, this may be brought about through the miserable amount given by the Government to the Law Society to aid such people. I believe that at present the Government grants $17,000 a year to the society to continue this service. Many people consider that the means test imposed by the Law Society is too strict and, consequently, many people cannot get the assistance that they need in time of trouble.

Section 5 of the principal Act has been superseded by the Commonwealth Matrimonial Causes Act, 1961, and therefore it is no longer applicable. As this State has had no Public Solicitor since 1933 and as it appears unlikely that this office will be filled, I see no reason why sections 7 and 8 should not be repealed. The repeal of these sections is probably a result of the assistance that people can receive from the Law Society. I support the Bill.

The Hon. F. J. POTTER (Central No. 2): I support this short Bill, which makes minor amendments (in some ways) to the principal Act. I fancy that what happened was that the draftsman, when given the task of amending the Act to overcome the difficulty of assigning counsel in criminal cases, found that other sections of the principal Act needed amending. Consequently, the opportunity was taken to effect these amendments. I agree that the first and major amendment, concerning the assignment of counsel at any time during a trial, is necessary. I also agree that the alteration of the means test (if one may call it that) for persons to sue *in forma pauperis* is desirable, as the original amount of £100 ($200) was fixed way back in, I think, 1867.

The Hon. D. H. L. Banfield: Is that provision used now?

The Hon. F. J. POTTER: No, I cannot remember anyone suing in this particular form. However, it is known to the law, and such a case could arise in the future. Certainly I would think that practically no present practitioner would have encountered anybody who wished to sue *in forma pauperis*. I think the amendments concerning the Public Solicitor are necessary, because we do not have one here now. That is about all that needs to be said on the matter. The main amendment is the first one, the others being really only to tidy up anomalies that at present exist. I do not think this matter should delay the Council for very long. I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

## CROWN LANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2843.)

The Hon. S. C. BEVAN (Central No. 1): This Bill, which is rather lengthy, has been fully explained by the Minister. The principal Act has been amended several times over the past few years, and especially after its review in 1966 and again in 1967 one would have thought that possibly everything that needed doing had been attended to. However, with a change of Government we usually get a change of policy, and the Minister has made it clear from his explanation that the policy of the present Government is to take a major step in removing from the Act conditions that have existed for many years.

I do not intend to oppose the Bill as a whole, for I agree that many of the amendments will improve the administration of the Act. However, I oppose what is perhaps the most important

clause. I refer to clause 9, which repeals section 31 of the principal Act and thereby abolishes the limitation on the amount of land held under perpetual lease. As far as I can gather, this question goes back to about 1888 when the first lease under the Crown Lands Act was let. Some difficulties have existed ever since then. This was the case in 1965 following the quinquennial assessment, which produced inequitable situations throughout the State regarding limitations. The situation existed that in the more highly-productive parts of the State the limitation barely allowed enough land to enable an individual to make a living. On the other hand, in some other areas before 1966 people could hold up to 24,000 acres under the limitation, and after the 1966 amendment this was increased to 36,000 acres. It was then thought necessary to take further steps, and after serious consideration the Land Board recommended the introduction of an area limitation in addition to the unimproved land value limitation that already existed. The purpose of that was to overcome some of the anomalies that would exist if only the unimproved limitation applied.

I was of the opinion that these amendments had worked satisfactorily, especially when we consider the deletion from the Act of the reference to Goyder's line of rainfall and the specifying of hundreds where the limitation should apply. Also, this can be varied from time to time if thought necessary. When the limitation was introduced in 1898, it was done apparently to prevent undue aggregation of land in the State. At that time, about 8,000,000 acres of land was held in fee simple, but today this has doubled to 16,000,000 acres. About 20,000,000 acres in agricultural areas of the State is held under perpetual lease. I consider the same conditions exist today in relation to the remaining 20,000,000 acres, otherwise the 16,000,000 acres to which I have referred could become 36,000,000 acres. The Minister, in his second reading explanation, said:

> It is noted that over the years a substantial area of the State has been granted in fee simple, and at present the agricultural areas of the State comprise about 16,000,000 acres of land held in fee simple and about 20,000,000 acres under Crown perpetual leasehold. In these circumstances it is apparent that, had landholders wished to aggregate, substantial opportunity has long existed for them to do so with freehold land. However, it is considered that the high prices that prevail do not encourage undue aggregation, as in general the productive capacity of the land makes it increasingly difficult to obtain a reasonable return upon the capital investment involved.

If that is so, I think the same position would apply today in relation to the 16,000,000 acres. If the opportunity exists to enlarge a holding, why is it necessary to remove altogether the limitation from the Act? I believe the Government should maintain control over the remaining 20,000,000 acres. The Minister has pointed out in his explanation (and I fully agree with his contention) that the opportunity existed for people in relation to the 16,000,000 acres of land held in fee simple. The Minister could inform us of the transactions that have taken place in relation to the freehold properties in that 16,000,000 acres. I should think it would be a limited number. I can see no necessity for removing the limitation from the Act.

The Hon. C. R. Story: I cannot quite follow the honourable member in relation to the 16,000,000 acres.

The Hon. S. C. BEVAN: The Minister pointed out in his second reading explanation that, because of the circumstances existing today, if landholders wished to aggregate and they had the opportunity to do so, an amendment to the Crown Lands Act would not be necessary. The 16,000,000 acres is available to them if they want to freehold, but the prices prevailing today for freehold land have a dampening effect on this taking place. The Minister said that it was increasingly difficult for one to obtain a reasonable return on one's capital investment, and I agree. However, what reason is there for removing this limitation, which has been in existence since 1898? In his second reading explanation the Minister continued:

> In perhaps no other State has the potential for agricultural development been reached to the extent that it has in South Australia. As a consequence, considerable pressure exists to obtain land, with a corresponding rise in prices. It is clear that the limitations that apply under the Crown Lands Act can affect the demand for freeholds and the price paid.

This is another reason why some limitation should be imposed. We know that over the years overhead costs in primary production have increased. Expensive machinery has been purchased to work a certain area, and these people would be better off if they had a bigger area to work so that the machinery could more fully be put to use. Then, too, the purchaser would be more easily able to pay for the machinery. However, this can be overcome by an adjustment of the limitation according to the trend. The Minister then made the following interesting observation:

> The original intention of limitation (to prevent undue aggregation of land) has been substantially attained.

In other words, this provision has brought about the desired results until now. How is it that the circumstances have changed in such a short time as to warrant the complete abandonment of the limitation? If the Minister's intentions were to extend the limitation by way of unimproved value or area, his statement would have had some validity, but to retain the limitations until now and then to do away with them in one stroke does not appear to be consistent. My main objection is that this removes what little control the Government has over the 20,000,000 acres held under perpetual lease. If this 20,000,000 acres is thrown open to freehold by a removal of this limitation, it will be interesting to see how many people take up the offer when they realize what is involved. These people will find out that they will not be able to freehold as cheaply as they thought, and it will be beyond their means to accept the pay-out in fee simple of the area they hold under perpetual lease. Prices for freehold land will increase and the small landholder will not be able to compete against those with money. This could result in the small farmer eventually being forced out, and this would not be in the best interests of the community.

The Hon. A. M. Whyte: Removing the limitation will not increase the price of freehold land, though.

The Hon. S. C. BEVAN: The removal of the limitation will mean the removal of the last control that the Government has over the 20,000,000 acres situated in the agricultural areas of this State, and it will leave that area open for freehold. I fully appreciate that under the terms of the agreement and lease the person holding the lease or agreement could, if he so desired, freehold the property. However, many of these people will not be able to freehold, because they will not be able to raise the necessary finance. Pressure will be brought to bear on these people and they will have to sell to someone else because they will not be able to compete with the people who have money, and eventually they could be pushed out. They will have to sell out; the land will become freehold property, and the price of freehold land will definitely increase.

The Hon. A. M. Whyte: There is nothing about freehold land in this Bill.

The Hon. S. C. BEVAN: We are removing the limitations, which apply to about 20,000,000 acres of land held in this State under perpetual lease. If we remove those limitations, persons will not be able to obtain any of this land even if they hold certain areas of land at the moment. People are limited now, but if we remove the limitations they will be able to hold as much land as they can afford to buy. This will definitely affect the small man, and this has something to do with freehold. The person who has land under perpetual lease today and pays a rental for it is committed financially, even if only in a small way.

I am concerned about another point. The Commonwealth Government has said that, because of today's trend in relation to costs, larger holdings will have to come and the small man will be forced out. This provision will force the small man out, and the man who can afford to purchase these properties by freehold will do so. There will be fewer people in these areas. It must affect businesses, too. I am afraid (and I do not apologize for saying this) that this will be the result if this clause is passed as it stands at present.

The position can well be met by the present Act. Hundreds can be added or taken out, and areas can be enlarged or made smaller; there are powers in the principal Act at present for the Minister to do what he thinks necessary, without the limitations provision being struck out. If it is considered necessary to take out a hundred, that can be done. I do not like this clause and intend to vote against it. In the Committee stage, I will move to strike it out. I realize that one or two other clauses are consequential on clause 9 and that they would have to be amended accordingly. I cannot agree that this limitations clause be removed from the Bill.

The Hon. A. M. WHYTE secured the adjournment of the debate.

## ADJOURNMENT

At 5.44 p.m. the Council adjourned until Wednesday, December 4, at 2.15 p.m.