

LEGISLATIVE COUNCIL

Thursday, November 5, 1970

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

ASSENT TO BILLS

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

Cattle Compensation Act Amendment,

Public Works Standing Committee Act Amendment,

River Torrens Acquisition.

QUESTIONS

SUCCESSION DUTIES

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

Leave granted.

The Hon. R. C. DeGARIS: In yesterday's *News*, under the heading "Wealthy Will Pay More Death Duties", there is a table showing the proposed rates of succession duties in South Australia. It seems a rather odd way of announcing legislation—through the press. However, when the Government previously attempted to raise more revenue through succession duties, a similar table was published but, on examination of the legislation, the table proved to be quite misleading. The table in yesterday's *News* has three columns, headed "Present Duty", "Proposed Duty", and "Other States". A footnote states that the figures given under the heading "Other States" are derived from the average of three cases in New South Wales and Victoria. First, as duties are levied in South Australia on the basis of their being on the succession whereas in New South Wales and Victoria the duties are on the estate as a whole, can the Chief Secretary say on what basis the comparison has been made? The article states:

Details given today of proposed rises in succession duty charges in South Australia show concessions for middle and lower incomes, but steep increases for bigger estates.

Therefore, my second question to the Chief Secretary is this: on what ground has the Government related the value of an estate to income, and are we to understand from the announcement that the valuation of an estate will be related to income for future succession duties valuations?

The Hon. A. J. SHARD: I shall be pleased to refer the question to the Treasurer, whose responsibility the article was. Although I have not read the article myself, I shall obtain a reply as soon as possible.

ROSEWORTHY AGRICULTURAL COLLEGE

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to my question of October 21 concerning the Roseworthy Agricultural College?

The Hon. T. M. CASEY: The Principal of the Agricultural College Department has informed me that it is acknowledged that the main access roads within Roseworthy College need sealing and that this should be done as soon as reasonable, but bearing in mind urgent priorities for accommodating additional students and upgrading teaching facilities. When estimates were drawn for the period 1970-72, provision was made for sealing the main entrance and other high-density traffic areas around the main building, but this budgeted progress cannot now be met without curtailing more essential developments. Increased building costs and the need to develop a sewerage scheme, in conjunction with the new building programme, have forced the changed schedule. No difficulties are foreseen in providing for a very substantial road improvement programme in the 1973-75 period.

KANGAROOS

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: On Tuesday, in reply to a question from the Hon. Mr. Story about the kangaroo problem, the Minister of Agriculture pointed out that perhaps not too much reliance could be placed on an article that had appeared in a newspaper. As I was a member of the deputation that waited on the Minister, I remember that much discussion took place about harvesting kangaroos. The Minister indicated to the deputation that he would follow up this suggestion with the Meat Board and the various authorities to ascertain whether some means of harvesting kangaroos for meat could be implemented, in which the carcasses would be sold by pastoralists. Can the Minister say what progress has been made in those negotiations? Also, we discussed the possibility of licences for the control of kangaroos being issued by the Pastoral Board. This is what the deputation wanted

and what it believed to be the correct method of issuing licences, because members of the board are continually inspecting pastoral areas and know in which areas the number allotted by the licences needs to be increased or perhaps decreased. Has the Minister discussed this point with the Pastoral Board and, if he has, how far have negotiations proceeded?

The Hon. T. M. CASEY: In reply to the first part of the question I emphasize the fact that to implement a programme of harvesting kangaroos is not easy but the matter has been discussed with skin dealers, pet food manufacturers and the departments concerned. In fact, there has been much discussion about this matter in the last few weeks. At this stage I cannot tell the honourable member how far these discussions have proceeded, but I will obtain a report on the present situation.

With regard to the second part of the question relating to the Pastoral Board being the body that is responsible for issuing licences for the slaughtering of kangaroos in the pastoral areas, I indicated to the deputation (the honourable member will recall this) that I was very much in favour of the Pastoral Board being advisers to the Fauna Department. That department has inspectors who are competent in all aspects of fauna control; that is what they have been selected for, and that is their job. Therefore, I do not see why, at this stage anyhow, this matter should be handed over lock, stock and barrel to the Pastoral Board. I think the board can play a very important part in advising the Fauna Department of the circumstances that exist in these northern areas, and I think that is a very sensible way of approaching the problem, at this stage, at any rate. Although I have discussed this very briefly with the Chairman of the board, I cannot recall just exactly what his reaction was. Nevertheless, I am prepared to take the matter up again with the board, perhaps on a more official basis than I have done previously, and get its reactions. At this stage, it is not my intention to transfer this control from the Fauna Department to the Pastoral Board.

STOBIE POLES

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. C. M. HILL: The *Advertiser* of a few weeks ago contained a report of an interview with Mr. A. K. Johnke, the Com-

missioner of Highways, on his return from North America where he attended a world highways conference. Mr. Johnke is reported as saying that the Texas Transportation Institute was experimenting with power poles that sheered off on impact. He also said that there were poles like this in some parts of South Australia. I presume that he was referring to the poles on the South-Eastern Freeway where, of course, the actual power lines are underground. In road accidents in South Australia, whenever vehicles collide with the traditional poles used by the Electricity Trust, the risk of serious injury and fatalities is high. Also, these traditional poles are unsightly. According to Mr. Johnke, experimentation with differing kinds of pole is taking place in the United States of America. My question is this: is the Electricity Trust undertaking any research now to evolve a safer, less rigid and aesthetically more attractive power pole than the traditional one commonly called the stobie pole and, if so, can information be given on such investigations?

The Hon. T. M. CASEY: I shall be very pleased to refer the honourable member's question to my colleague, as I am sure he is aware that the honourable member is most concerned about stobie poles. I believe that at one stage the Hon. Mr. Hill was going to put them all underground, and I thought that that was a good idea. However, I think the cost of doing that would be prohibitive at this stage. I am quite prepared to forward the question to my colleague.

AGRICULTURAL EDUCATION

The Hon. C. R. STORY: Has the Minister of Agriculture yet received a report from the committee inquiring into agricultural education? If he has not, has he any idea what progress the committee is making in its inquiry?

The Hon. T. M. CASEY: I saw a report very recently on this matter from the Chairman of the committee that was set up. I could be corrected on this, but I think that what I am about to say is factual. I think it was stated that the report should be available within five or six weeks. That is the last I have heard of it.

URRBRAE AGRICULTURAL HIGH SCHOOL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the pilot course at the Urrbrae Agricultural High School. It is directed not to the general inquiry into agricultural education to which the Hon. Mr. Story has just referred (which was instituted, if I remember rightly, by the Hon. Mr. Bywaters and pursued by the Hon. Mr. Story) but to the more specific efforts in this field by the Education Department prior to that date. Recently, I met a retired senior officer of the Education Department who is very interested in the efforts made in agricultural education within the department itself; he was telling me of the success, as he saw it, of the pilot course, a two-year post-intermediate course being conducted at Urrbrae Agricultural High School. He expressed the opinion that it would be wise for the department to consider setting up a similar course in five or six strategic centres throughout the State whereby young men or boys who had no chance of going on to tertiary education would at least get a couple of years extra education in agricultural matters. Will the Minister inquire of his colleague whether the Education Department has any plans to institute such courses?

The Hon. T. M. CASEY: I shall be pleased to take that up with the Minister of Education and bring down a report for the honourable member.

CITRUS INDUSTRY

The Hon. C. R. STORY: I seek leave to make a short statement before directing a short question on citrus to the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: I think that about five weeks ago the Minister informed me that he had received the report of the Director of Lands (Mr. Dunsford), who had been asked to inquire into the citrus industry. I think at that time he said he would study the report. I said then that I thought it would be a good idea to discuss this with the industry leaders. Has the Minister had an opportunity of thoroughly studying the report and the recommendations and having discussions with the industry, or at least with the Chairman of the Citrus Organization Committee?

The Hon. T. M. CASEY: If the honourable member will think back, he will remember that two weeks ago he asked a similar question along these lines, and the answer I then gave him was that unfortunately the Chairman of the C.O.C. was away overseas attending a conference with leaders of the meat industry in other parts of the world. He should be back shortly. I am

anxiously awaiting his return so that we can discuss this matter fully. Also unfortunately, the officer who conducted this exercise and handed in his report went overseas immediately after the report was received, and there are certain things in it on which I should like to get his opinion before I take this any further. However, I hope that in the next few weeks this matter can be discussed at length.

TRANSPORTATION STUDY

The Hon. C. M. HILL: I ask leave to make a short statement before directing a question to the Minister of Lands.

Leave granted.

The Hon. C. M. HILL: I ask a further question about the visit of Dr. Breuning and his report on metropolitan Adelaide transport matters. I have already asked questions on this on September 24 and October 22. In the replies that I was given were the statements that Dr. Breuning's full fee of \$9,263 had already been paid to him, that his report had not yet been received, that he had left Adelaide on August 27, and that no specific date had been set for the receipt of the report that he had been asked to prepare as soon as reasonably possible, which was expected to be within about eight weeks of his departure. The last *Sunday Mail* contains a report in Onlooker's political column—

The Hon. A. J. Shard: Who is Onlooker?

The Hon. C. M. HILL: I do not know.

The reporter writes under the *nom de plume* of "Onlooker". The writer states that the doctor's report was to be received about four weeks after his departure. However, as 10 weeks has elapsed since August 27, I again ask whether Dr. Breuning's report has been received, and if it has not, whether any action is contemplated to expedite this matter.

The Hon. A. F. KNEEBONE: I have often expressed the view that we should not believe everything we read in the press. However, I shall be pleased to convey the honourable member's question to my colleague and obtain a reply as soon as one is available.

PINNAROO RAILWAY ACT AMENDMENT BILL

Read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (FEES)

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.
I am sure that all honourable members will

share the Government's concern at the rising road-accident toll in this State and the introduction of this Bill is clear evidence of the Government's intention to do all in its power to reduce the appalling loss of life and human suffering that result from road accidents. Although considerable investigation into the causes of accidents still remains to be undertaken, it is clear that the skill and competence and, might I add, the good sense of the driver, all play a large part in the reduction of accidents. Accordingly, the Government is at present considering a massive and far-reaching programme of driver-improvement proposed by the Road Safety Council of this State. Such a programme is estimated to cost about \$77,000 in its first year and \$60,000 a year thereafter. This is only one example of how the proper use of funds may help in the alleviation of the problem. The prime object of this Bill is, therefore, to create a source of revenue for this most important work.

Clause 1 of the Bill is formal. Clause 2 amends section 76 of the Motor Vehicles Act and increases the fee payable in respect of a driver's licence from \$2 to \$3. This increase will impact driver's licences for any licence period that commences after January 1 next year. The fee of \$1 for a learner's permit has not been increased and neither have the concessional rates for incapacitated persons which remain at \$1. In addition, a new fee for pensioners has been introduced, and the licence fee for them has been held at \$2. A pensioner is defined as a person who is entitled to concession travel on public transport by virtue of being in receipt of a Commonwealth Government pension.

As honourable members will be aware, the net recovery from licence and registration fees under the principal Act goes into the Highways Fund pursuant to section 31 (3) of that Act. Accordingly, provision is being made by amendment to that Act to ensure that not more than 50c of each dollar of the increase proposed by this Bill will be paid to the Treasurer where it will be available for appropriation by Parliament for road safety purposes. The maximum amount that will be so available in any one year will be about \$250,000. The provision for future appropriation of moneys to be spent on road safety has been made to accord with sound Treasury practice and will ensure that specific Parliamentary approval is obtained for the expenditure.

The remainder of the net increased recovery will, of course, remain in the Highways Fund, where it will be available for, amongst other

things, road construction and improvement, both being activities that bear on road safety. In addition, active consideration will be given to some extension of the planned installation of automatic railway crossing systems and grade separation. However, while the value of grade separation as a safety measure is clearly recognized, it must be remembered that projects of this nature are enormously expensive undertakings—a single project can cost up to \$500,000. Hence expenditure in this area must be viewed against road needs generally.

Finally, from the additional funds available it may also be possible to increase the number of intersections controlled by traffic lights. Clause 3 imposes a fee of \$1 for the practical driving test imposed on the holder of a learner's permit before a driver's licence may be issued. In the terms of the Highways Act the revenue from this impost will not find its way into the Highways Fund but will flow to general revenue and will to some extent offset the very heavy expenditure of the Police Department in this area.

The Hon. C. M. HILL secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

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

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

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

PASTORAL ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is designed to protect the South Australian countryside from aesthetic detriment resulting from mining operations. While the exploration for and production of mineral resources are essential for the economic prosperity of the State, a proper balance must be kept between economic and environmental considerations. For some time past it has been apparent that the provisions of the principal Act are not adequate to deal effectively with environmental problems arising from mining operations. In

consequence of these inadequacies, there are some places where the countryside has suffered grave, and perhaps irreparable, damage in aesthetic value. The amendments contained in the present Bill are therefore designed to ensure that mining operations are properly carried out with a minimum of environmental damage.

The provisions of the Bill are as follows: clause 1 is formal, and clause 2 inserts a definition of the "advisory committee" in the principal Act. This definition is necessary for the purposes of new provisions to be inserted by the Bill into the principal Act. Clause 3 amends section 10 of the principal Act. This section sets out the powers of an inspector under the Act. The amendment, first, empowers the inspector to make any examination or inquiry into the effect of any mine or mining operation upon the amenity of any area or place. Secondly, the inspector is empowered to order the cessation of any mining operation or practice that has, or is likely to, impair unduly the amenity of any area or place. He is empowered to give such directions as he considers necessary or desirable to prevent or reduce undue impairment of the amenity of any area or place.

Clause 4 inserts new sections 10a, 10b and 10c in the principal Act. These new sections establish a right of appeal against an order or direction of the Minister given under the new powers with which he is invested by the preceding clause of the Bill. The appeal is made to the Minister. The Minister is, however, bound to consider the advice of an expert advisory committee established under new section 10b. The committee is to consist of an expert in mining engineering, a person with wide practical experience in mining, and an environmental expert.

Clauses 5 and 6 expand the Governor's powers to make regulations under the Act. Under the amendment, regulations may be made for preserving the amenity of any area or place from impairment by mining operations and in particular the regulations may regulate, restrict or prohibit operations that interfere with the surface of the land; regulate the position in which excavations may be made or mining operations conducted; regulate the treatment and disposal of overburden and waste products; regulate, restrict, or prohibit the treatment or disposal of overburden or waste products in prescribed places, or places of a prescribed kind; require that any plant or mining operations be screened from view; require the restoration of the surface of land on which mining operations

have been conducted; and, finally, regulate the positioning, installation and removal of mining equipment and buildings used in connection with mining operations.

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

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

Adjourned debate on second reading.

(Continued from November 4. Page 2320.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill, which provides for the **appointment in South Australia** of a tenth Minister and increases to seven the maximum number of Ministers who may be members of the House of Assembly. South Australia and Tasmania have the smallest Ministries in Australia: Tasmania also has 10 Ministers. Tasmania has about one-quarter of the population that South Australia has, so I do not think anyone can say that, by comparison, we are being extravagant in having 10 Ministers of the Crown. Because I was a Minister for two years, I support the view that the South Australian Ministry needs enlarging because of the growing pressures of Ministerial responsibility. Anyone who has been a Minister will agree that these responsibilities have increased considerably in the last few years. In illustrating to members this growth in so many portfolios, I refer to the Ministerial work concerned with the Mines Department. In the last three years there has been a tremendous growth in search activity in South Australia, both for hard-rock minerals and for petroleum, and this activity has increased the amount of Ministerial work in this portfolio. In addition, there are several other fields in which the work of the Minister of Mines has expanded rapidly and will continue to do so.

I refer to the great need in this State for more control over the use of underground water. If one considers this question one will realize that Ministerial responsibility in this activity has rapidly increased. Indeed, I suggest that there would be a good case for a Minister to be responsible only for the Mines portfolio. This would be sufficient responsibility for him to accept. I agree with the Hon. Mr. Hill's contention (although I do not intend to oppose the Bill, as he said he would) that the present Ministerial portfolios are unbalanced. In other words, some Ministers are having to do too much work, and not enough (although perhaps that is not the correct phrase; perhaps I should say less work) is being done by

others. I believe it is impossible for one man to carry efficiently the portfolios of Premier, Treasurer, Development and Mines, and Tourism. This is a physical impossibility, and the portfolios must suffer because of this arrangement. I support the appointment of a tenth Minister, but I agree with the Hon. Mr. Hill's view that, in allocating the tenth Minister, some thought should be given to spreading the work load more evenly.

The Hon. A. J. SHARD (Chief Secretary): I should like to reply to some of the points raised by the Hon. Mr. Gilfillan, particularly regarding his comment that he hoped the new Minister would not set up another large department. I suggest that it would take time before that was necessary, and to the best of my knowledge that will not happen. The new Minister will have a portfolio of some moment, and he will have an office and a small staff. I cannot speak with authority on this matter, because Caucus selects the Minister in our Party and the Premier has the sole right to allocate the work, but I can say that there will be some relief not only to the Premier but also to other Ministers. It is not intended that the new Minister will have a large department immediately. It will take some time to set that up, so that we are not embarking on a programme that will mean immediate increased costs: they will be spread over a period. I thank the Hon. Mr. Gilfillan for his kind remarks about the Hon. Mr. Banfield. I appreciate those comments because the Hon. Mr. Banfield has followed in my footsteps through the Labor movement.

The Hon. R. C. DeGaris: Is he to retire, too?

The Hon. A. J. SHARD: Not yet. The honourable member said that he hoped that my Party would not forget the Hon. Mr. Banfield, and that he hoped to see him as a future member of the Ministry.

The Hon. M. B. Dawkins: It was suggested that perhaps he would be Lord Banfield!

The Hon. A. J. SHARD: I hope that he does not get that title, because I do not like it. However, I consider that my colleague will be a Minister in the next Labor Ministry.

The Hon. R. C. DeGaris: I am pleased to hear that.

The Hon. A. J. SHARD: No matter when the next Labor Ministry is formed, I am confident that the Hon. Mr. Banfield will be a member of it. I noticed that the Hon. Mr. Hill's reference to his suggestion that a Minister of the Crown should not have any outside interests received some publicity, and I hope

that my reply gets some too. I totally disagree with him. I think there is a clash of personalities between the Hon. Mr. Hill and the Hon. Mr. Virgo. I do not know why this should be, but if I had been in Mr. Virgo's place I would have accepted and carried out the job of President of the Australian Labor Party, because that is an honour that is conferred on few people.

The Hon. A. F. Kneebone: There is no monetary gain in that.

The Hon. A. J. SHARD: Of course not, but it is an honour in the movement that one would be proud of. It takes two to three years to reach a position where a person can become President of the Party, and Mr. Virgo was in line for this at our last conference. It is an appointment for 12 months, and I am glad he accepted it, as it would not have been right if he had refused it. The Hon. Mr. Hill said that he expected every member of a Ministry to drop all his outside connections and associations. I have been in this position and I know a bit about it. The first letter I wrote as Chief Secretary was a resignation from the board of a community hospital, of which I had been a member since its foundation. It was not a pleasant job. If I had had another portfolio I would not have resigned, but being Chief Secretary (the person responsible for hospitals) I thought that it was my duty to make a clean break. One of the sad things about being a Minister (and there are some sad things) is that it has altered the lives of me and my wife in the last five years. We had many close friendships, but because my wife played her part, as I did, we lost contact with them for the three years that I was a Minister. I was for two years out of the Ministry, and we began enjoying ourselves again, but now the same conditions are being repeated. I do not want any bouquets, for that is one of the things a Minister has to face. I consider that the public demands too much of a Minister. People expect Ministers to be here, there and everywhere, and we do our best to oblige. I think it ill behoves an honourable member who has had Ministerial experience to criticize a person for retaining for a short period a position that everyone in the Labor movement would love to hold.

I do not know that I can say much more on this Bill. I thank honourable members for approaching it in the way they have done. I hope the Bill will be passed. I do not know whether anyone thinks my duties are lighter than those of some other Ministers. However,

I know that I have my share of work and I certainly do not want any more. In fact, I have lost all my trade union principles because I have worked over the last two weekends and I shall be working this coming weekend.

The Hon. Sir Arthur Rymill: What about the Mines portfolio?

The Hon. A. J. SHARD: I never wanted it in the first place.

The Hon. Sir Arthur Rymill: Did you miss it?

The Hon. A. J. SHARD: I did not have it the first time, and I did not want it the second time. I could tell honourable members something about Mines being attached to the Chief Secretary portfolio. However, I do not tell tales. If a Minister applies himself to the duties of Chief Secretary and Minister of Health, he has more than his share and does not want anything else tacked on.

The Hon. Sir Arthur Rymill: That would be my observation, too.

The Hon. A. J. SHARD: Although I do not say this with any discourtesy to the Leader of the Opposition, I think that when he was in my position he was grossly over-loaded. I visualize the time when the Mines portfolio could be on its own. In fact, I think the time will come when we will need another couple of Ministers. The Hon. Mr. Hill referred to the Minister of Labour and Industry having only one portfolio. I do not know whether my friends opposite know this, but I can tell them that of all the portfolios in the Labor Government there is none more arduous, more wearying and more disturbing than that of Labour and Industry. As the Hon. Mr. Kneebone could tell you, when he was appointed to that portfolio I said to him, "Frank, you have my deepest sympathy." When Mr. Broomhill was appointed, I said to him, "Glen, good luck to you, I wish you well." I have been through the mill, and I know that it is not very pleasant sometimes to have to say "No" to people you have grown up with and worked with. From the Labor Government's point of view, the Hon. Glen Broomhill is doing a mighty good job. Once again I thank honourable members for their approach to this Bill.

The PRESIDENT: As this is a Bill to amend the Constitution Act and to provide for an alteration of the Constitution of Parliament, it is necessary for its second reading to be carried by an absolute majority of the whole number of members of the Council. I have counted the Council and, there being present an absolute majority of the whole number of members of the Council, I put the question: "That this

Bill be now read a second time." For the question say "Aye", against say "No". There being a dissentient voice, a division must be held.

The Council divided on the second reading:

Ayes (15)—The Hons. D. H. L. Banfield, T. M. Casey, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, L. R. Hart, Sir Norman Jude, A. F. Kneebone, F. J. Potter, E. K. Russack, Sir Arthur Rymill, A. J. Shard (teller), V. G. Springett, and C. R. Story.

Noes (2)—The Hons. C. M. Hill (teller) and A. M. Whyte.

Majority of 13 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Number of Ministers of the Crown."

The Hon. Sir ARTHUR RYMILL: I move:

In paragraph (b) to strike out "word 'seven'" and insert "words 'seven tenths'".

It has been traditionally accepted that in the Ministry of this State there should be not less than three members from this Chamber, although I think at one time, when the Ministry numbered five, there were two members from this Chamber.

The Hon. Sir Norman Jude: It went from six to eight.

The Hon. Sir ARTHUR RYMILL: Sir Norman Jude reminds me that it went from six to eight. At that time the number of Ministers from this Chamber was increased to three. The Ministry then increased to nine, and the number of members from this Chamber remained at three. Now the number is going to 10, and it still remains at three from this Chamber. I have no quarrel with that. The House of Assembly has increased in numbers by 20 per cent and, in those circumstances, it is a reasonable proposition that it would be entitled to have a greater proportion of the Ministry. However, it has been pointed out to me (this was not my own discovery, I regret to say, but it should have been) that actually under the Constitution Act there is no guarantee that any member of this Council will be in the Cabinet. When the first part of this clause is passed, as I think it will be, the Constitution Act will then read:

The number of Ministers of the Crown shall not exceed 10.

It will not state "It shall be 10"; it will state "It shall not exceed 10". The second part of the provision will say "Not more than seven Ministers shall at one time be members of the House of Assembly". This simply means (and

it is simple in language) that if any Government (I am not suggesting that the present Government proposes to do so), either present or future, decides to reduce the Ministry from 10 to seven, there need not be any representation from this Council in the Ministry. This is what my amendment will try to avoid because I do not think anyone would have any intention of doing this. There is no present intention that this should happen but, if we pass the Bill in its present form, it can happen and, the larger the authorized Ministry becomes, so much more easily can this situation be achieved in another place if the Government of the day so desires.

My amendment is very simple. Instead of providing that not more than seven of the Ministers shall at one time be members of the House of Assembly, it provides that not more than seven tenths of the Ministry shall be members at one time of the House of Assembly. This means that, if the Government goes ahead with its expressed intention of appointing a Ministry of 10, seven of that Ministry will be members of the House of Assembly and thus, of course, three will have to be members of this Council. But, if at any time a Government decided to reduce the Ministry, a mathematical situation would occur that would completely line up, as I see it, with the intention of the Bill.

I should like to take honourable members through that. Seven tenths of 10 is seven and, therefore, as my amendment makes no difference to what the Government wants at the moment (seven in the House of Assembly and three in this Council, as I understand it) that will still be authorized by my amendment. However, if the number of the Ministry was reduced to nine, seven tenths of nine is 6.3. If there can be not more than seven tenths in the House of Assembly, as it is not possible to have .3 of a person, that means that six of the nine would be members of the House of Assembly. Seven tenths of eight is 5.6 and, on the same argument, that would mean five out of eight, which is what it once was. Seven tenths of seven is 4.9. This is the only figure that does not quite mathematically line up because, in logic, that should be five from the House of Assembly, but it would be four. In view of complaints about and pleas of overwork from both sides of the Chamber (with one exception), I do not think it is likely that the Ministry will ever be reduced to seven again.

Seven tenths of six is 4.2, which would mean that four out of six would be in the House of

Assembly, which is what it was previously in this State. So, provided honourable members wish to protect the number from this Council in the Ministry (and I imagine that on both sides they do) I cannot see any defect in this approach. It will guarantee, although a lesser proportional representation, a reasonable representation of the members of this Chamber in the Ministry without damaging the Bill in any way.

The Hon. A. J. SHARD (Chief Secretary): I have given this matter considerable thought and discussed it with my colleagues in Cabinet. I am sure we all agree that Sir Arthur's point of view could be accepted and that this Council should have at least three Ministers in the Cabinet. I do not think any of us realized (and I did not have it brought to my notice) that this situation that he has outlined could arise. We have considered this amendment, which has problems from the Government's point of view and from my Party's point of view in relation to the present representation in this Council. If something happened and the number of members in our Party went below four in this Council, which could happen, even at the next election (let us assume that my Party kept Government in another place) then we would be faced with the position of having two Ministers of our Party here, and one Minister of the other Party. Let us suppose that the Hon. Mr. Hill was a Minister in a Labor Government.

The Hon. C. M. Hill: Me a Labor Minister?

The Hon. D. H. L. Banfield: He would make a good one, too, if he had the rough edges knocked off him.

The Hon. R. C. DeGaris: The way he is going, we will give him to you!

The Hon. A. J. SHARD: I hope honourable members can see the point I am trying to make, and that I am making sense. We have studied this matter carefully. I worked on it for at least one hour to one and a half hours with certain people, because this problem was drawn to my attention; and we put in another half hour considering it this morning. While it is the Government's intention not to depart from the present traditional position under the Act (it has been accepted and I do not think it would happen in this Parliament or in a future Parliament) I regret that, because of the figures that can be made out, the Government is unable to accept the amendment.

I hope the Bill will be carried in its present form. While I have the greatest sympathy with the mover of the amendment, if we accepted it and something went wrong for my colleagues

at the next election and the Labor Party still had the numbers in another place, how would we function here? That is a real problem. I have heard it said in years gone by, though not recently, that the only reason why the Liberal Party never contested Central No. 1 was that it might win it and then there would be no Opposition in this House. If this Bill went through with this amendment, it might be an open invitation to the Liberal Party to contest Central No. 1 with a view to embarrassing the Government, and we cannot accept that position.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Chief Secretary for his comments on the amendment, which I support. I respect very much the fact that he has indicated that he is in sympathy with the amendment.

The Hon. A. J. Shard: That could be said as being the Government's point of view.

The Hon. R. C. DeGARIS: On behalf of most honourable members, I can say that I do not doubt the Government's attitude on this question. However, I cannot give an undertaking of the attitude of any future Government; therefore, this point should be borne in mind when voting on the amendment. If by some very long chance the situation as pointed out by the Chief Secretary should arise, I am prepared to give an undertaking, as he did when we were debating the insurance Bill, that the Opposition will be most co-operative in seeing that this problem would be overcome.

The Committee divided on the amendment:

Ayes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, F. J. Potter, E. K. Russack, Sir Arthur Rymill (teller), V. G. Springett, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, A. J. Shard (teller), and C. R. Story.

Majority of 8 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2328.)

The Hon. C. R. STORY (Midland): In speaking to the Bill, I say at the outset that it has come to this Council as a result of the Labor Party's decision to hold a referendum

and of that Party's undertakings prior to the referendum. It is unnecessary for me to go over much of the ground that has been traversed by other honourable members, except to say that the Bill could have been very much different had the questions at the referendum been posed in a different way.

As one of the representatives of the Midland District, which embraces large portions of the outer fringe areas of Gawler, Salisbury, Elizabeth and Tea Tree Gully, perhaps I have a slightly different view of the situation from that of honourable members who live in and represent districts nearer to the metropolitan area. So my responsibility is to put a case for the majority of the electors in my district who have voted overwhelmingly that the *status quo* should be maintained, namely, that the shopping hours prevailing in the districts of Elizabeth, Salisbury, Gawler and Tea Tree Gully should remain as they are. Other honourable members will be asserting what is best for their constituents.

There are three groups of people vitally involved in this matter—the shopkeepers, their employees, and the general public. The interests of the general public should be very carefully considered, because some people cannot shop at the same time as those who are in more fortunate circumstances. There is no doubt how people in the fringe areas feel about this matter. In the Elizabeth District 9,000 people voted in favour of retaining the existing situation and 2,000 voted against; in the Goyder District 322 people voted in favour and 155 against; in the Light District 2,500 voted in favour and 1,100 against; in the Playford District 9,800 people voted in favour and 2,900 against; and in the Tea Tree Gully District 10,000 people voted in favour and 4,000 against. So, a large majority favoured retaining the *status quo*.

From the viewpoint of the Midland District we would be very glad if we could get the same sort of majority in our own elections for that district. The Elizabeth District and much of the Salisbury and Tea Tree Gully Districts have been developed only over the last 10 to 12 years. In that period the population in those districts has grown rapidly. The composition of the population there is fundamentally different in outlook, habits and country of origin from the population in most of the metropolitan area. The same can be said of the Mawson District on the other side of the metropolitan area. As the metropolitan area is now to extend from Gawler to Noarlunga, the Labor Party has said that everyone must

conform. As I said recently in another debate, this is a typical example of making everyone conform in every respect. It is the old system again—get the rule book out, put everyone into a category, and then no-one will give any trouble. I do not believe in that, because I believe in some fundamental freedom. However, I do not believe that there should be a completely open go. Everyone has a right to certain hours of leisure, but to have conformity for conformity's sake is not wise.

South Australia has gone ahead in the past because of the freedoms it has enjoyed. The main reason why we have prosperous shops in Rundle Street that are owned by South Australians is that they were allowed to advance from very humble beginnings to large and well-respected enterprises. The same applies to many middle-class people, who have always been able to advance as they wanted to. If we make people conform we stifle their ability to get ahead. In the fourth schedule, headed "Exempted Goods", "Frozen food" and "Packaged foods kept under refrigeration (except uncooked meat)" are included. If I interpret the schedule correctly, that means that a delicatessen can sell uncooked meat, provided it is in a frozen form. However, the delicatessen cannot sell uncooked packaged meat kept under refrigeration. So, the delicatessen will be able to sell frozen meat throughout the whole period when butcher shops are closed. In the third schedule, headed "Exempted Shops", there are two obvious omissions: there is no provision for shops specifically set up to sell cooked chicken, nor is there any provision for shops that sell chop suey and other forms of Chinese food. These omissions should be corrected, because fish shops are included in the schedule. Florist shops are exempted but no provision is made for nursery requisites.

The Hon. Sir Norman Jude: What about umbrella shops? It may rain!

The Hon. C. R. STORY: They may be like the banks—when it starts to rain they snatch the umbrella away. Apparently, it is legal for the Central Market to continue operating as it is at present, because practically everything sold there is included in the list of exempted goods.

The Hon. A. F. Kneebone: Doesn't that answer your question about the other things: provided they are exempted items the shop can sell them.

The Hon. C. R. STORY: I do not think so. These people must come under the category of one of this type of exempted shop.

The Hon. A. F. Kneebone: The market is not mentioned.

The Hon. C. R. STORY: It is the shops that are named. The market is a collection of people owning exempted shops. It is necessary that the nursery shops be exempted, because the only opportunity many people have to purchase their gardening requirements is during the weekend. New section 227 replaces the provisions of the Early Closing Act dealing with petition and counter-petition. I agree with the Hon. Mr. DeGaris, who said that the present wording of the provision is clumsy and does not bring anything to a satisfactory conclusion. The Minister still does not have to do anything, although the people have expressed their views. If it does not suit the Minister all goes for naught. In these circumstances, the council concerned has to pay the costs of the poll, and I think that these provisions are most unsatisfactory. I suggest to the Minister that the Government reconsiders this section with the object of withdrawing it and reframing the provisions. If the Government does not take this action I am sure it will receive advice about it during the Committee stage. I shall vote for the second reading of this Bill, but I shall support and promote amendments that will get me as close as I can get to maintaining the position as it exists in the areas to which I have referred.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the Bill. It seems to me that several points about the shopping question have been overlooked by Opposition members. They criticized the Government, first, for holding the referendum, and then they criticized it for falling in line with the wishes of the people. The Hon. Mr. Hill spoke about supposed things that supposedly took place at a supposedly secret meeting. I assure the honourable member that a reporter from the *Advertiser* and many others attended this social gathering: a member of the Trading Hours Committee was at this "secret" meeting. If Opposition members are willing to take notice of flights of fancy of some reporters who were not invited to the meeting and who could not attend it because they did not know where it was being held, perhaps they should believe the flights of fancy of the reporter who wrote the article headed:

"Closed doors" Liberal and Country League meeting: key "tactics" talk on shopping hours. The Hon. Mr. DeGaris denied that such a meeting took place behind closed doors. We deny that there was a secret meeting at which politicians were bound by the decision of the

meeting, but perhaps one reporter is correct and the other is wrong. If the Hon. Mr. DeGaris suggested that the reporter who wrote the article about the secret L.C.L. meeting was wrong, I can tell him that it was the same reporter who wrote about the meeting at Klemzig. One difficulty that the Hon. Mr. Hill and other Opposition members cannot overcome is that long before the supposedly secret meeting was held much probing had taken place between the honourable member and the Hon. Mr. Kneebone as to what the Government's action would be as a result of the referendum. He asked not one question on this topic, but he and other members asked the same question repeatedly. The Minister said that we would abide by the decision of the referendum, yet Opposition members are implying that we bowed to the dictates of people from the Trades Hall. That is not true: we repeatedly said that we were willing to accept the decision of the referendum, and that is what we are doing.

The Hon. T. M. Casey: Do you think they are playing politics?

The Hon. D. H. L. BANFIELD: A certain amount of politics has been played in this question.

The Hon. C. M. Hill: That would be true of the Klemzig meeting, too.

The Hon. D. H. L. BANFIELD: Why should people not be able to invite others to attend a gathering and have a social drink? The honourable member can go to the Adelaide Club, if he is a financial member, and do that. If he persists with this line of talk he should refute the article about the L.C.L. secret meeting and say that that meeting was not held. True, the honourable member invited me to a subsequent meeting, but does he believe what he reads in the newspaper or does he accept what we tell him? Politics have been played in this question. I suggest that the Mayor of Elizabeth played his part in politics, too, when he called a public meeting, yet not one Legislative Council member attended at that meeting, although our people were willing to attend. The public was invited to attend this meeting. On another occasion the Hon. Mr. Hart objected and abused the Government when a public meeting was held at Wallaroo or Kadina and he was not invited, even though it was a public meeting. The Elizabeth meeting was public, yet not one Legislative Council member put in an appearance.

The Hon. C. R. Story: Are you sure of that?

The Hon. D. H. L. BANFIELD: Yes. Can the honourable member say that he was there? He represents the district, and he is not prepared to say that he was there. The honourable member does not tell lies, which is one thing in his favour. From time to time the other honourable members for the district stretch the point a little, but they are not straightout liars, so they are not prepared to say that they attended that particular meeting. They know very well they did not attend it.

Our people were prepared to go along and put the position to the people there. We told them it was unfortunate for them that their little pocket of voters had voted in favour of Friday night shopping, and that being true democrats and because we had previously said we were prepared to accept the will of the people we had to act in a certain way. Members of my Party went along and told the people at Elizabeth why the Government was introducing this Bill. However, not one of the Liberal Legislative Council members went along.

Members in this Council have been saying that members of the Labor Party are bound to do this, that they have their instructions and that they have to do something along these lines. But what happened at Salisbury? Each one of the Liberal members from this Council was asked, "Are you prepared to bring about the defeat of this Bill?" Not one of them was prepared to give a straight "Yes" or "No" to that. In fact, they gave the impression that they had to come back and get their instructions as to what they were able to do. The Hon. Mr. Dawkins yesterday, following the meeting, was able to say, in effect, "Well, while I could not give a definite undertaking on Monday night, we have had another secret meeting behind closed doors and I am now in a position to say that the Bill will pass, but I am one of the four who will vote against it and so keep faith with the people in that district."

Why were Liberal members not prepared to state their position on Monday night? They did not have instructions, and they did not have the freedom to say anything then. Now the numbers have been counted, and they know what is going to happen. Of course, with only four people voting against the Bill, the effect will be the same. Yesterday, the Hon. Mr. Hill said that his Government had been wrestling with the position. That was the term he used. I suggest that his Government had not even appointed the seconds before getting into the ring. He said that they

had not had sufficient time in which to do anything. Well, Elizabeth and Salisbury have been established for some 15 or 20 years, and they have had this Friday night shopping for quite some time. However, the L.C.L. Government that was in office for most of that period did not have time to appoint the seconds even to commence the wrestling match with the hot potato!

The Hon. Mr. Hill knows very well that his Government was not prepared to grasp this hot potato. It had been approached on numerous occasions to do something about the matter, and each time it promised that it would do something. It is like many of its other promises: it has not broken its promises but it has just not put them into operation. That Government was still wrestling with the question, although it had not made any close contact with it.

As I have said, at this particular meeting at Elizabeth our people were prepared to state their views openly and not hedge around a straightout question. We know that this Bill may not be popular from all points of view, but we are acting and we are bringing stability to the industry, and members opposite know that. I know that there is a feeling of relief amongst all concerned on both sides that at last there is some action on this most complex business—and the action is specific, not something that may or may not do certain things. That is what the people voted for. There is agreement that the Early Closing Act and other associated Acts should be brought up to date, and there is agreement that there should be uniformity. Even the Leader of the Opposition in the other House said that there should be uniformity. I believe that the Hon. Mr. DeGaris and the Hon. Mr. Hill also said that there should be uniformity.

The Hon. C. M. Hill: No, not me.

The Hon. D. H. L. BANFIELD: I apologize: it was not the Hon. Mr. Hill who said that. However, we know that the Leaders in both Houses agree that there should be uniformity. The Hon. Mr. Hill, of course, suggested that people should have different shopping hours and even that people should work on Saturdays and Sundays and so miss the opportunity to attend organized sporting activities that are carried out on Saturdays and Sundays in this State. For some reason or another, he has a grudge against the sporting bodies and he does not want people to attend sporting functions. He thinks that shops should be open on Saturday afternoons and Sundays so that people could have an

excuse for not going to the sporting functions. As I have said, both Leaders agree that there should be uniformity, but they say that the uniformity should be 9 o'clock closing on Friday. Well, the Liberal Government was not prepared to act in this matter. The present Government has done something about it and, as I have said, members opposite are very relieved that we have been prepared to grasp the nettle.

The Hon. A. M. Whyte: You will get my vote if you make it compulsory to go to sport on Saturdays.

The Hon. D. H. L. BANFIELD: Members opposite have peculiar ways of playing this numbers game. They get certain people to vote on different things, but it all depends on which way they want the result to be read. The Hon. Mr. Story this afternoon gave the numbers operating in Tea Tree Gully, Salisbury, Elizabeth and, I think, one or two other places, where the result of the vote in that little pocket favoured late Friday shopping. Of course, it was this very thing that caused the Mayor of Elizabeth to call a meeting and to protest about what was going on. Did that same Mayor or members opposite put on such a great protest about the by-election for the Midland District? In Elizabeth, Tea Tree Gully and Salisbury the vote was against the Hon. Mr. Russack being appointed to this Council, but we did not hear the Mayor of Elizabeth saying, "Our people don't want Mr. Russack; let us get the man we voted for." There was not one word of criticism from him on that occasion.

However, as I have said, this is the Liberal Party's little game of numbers. In that by-election a bigger area was involved, and overall the Hon. Mr. Russack received the 9 per cent vote that got him elected. The area involved in the referendum went beyond Elizabeth, Salisbury and Tea Tree Gully, for it took in Gawler and extended down to Willunga. On that occasion there was an overall "No" vote, yet members opposite are up in arms because we are going to accept the voice of the people. Of course, the lines do not come within the confines that suit members opposite. Therefore, we go on with this game of numbers year in and year out. The attitude of the members opposite is that they will agree to something only if it suits them.

The Hon. L. R. Hart: Incidentally, there is nothing about the Hon. Mr. Russack in the Bill.

The Hon. D. H. L. BANFIELD: And there was nothing in the presence of Mr. Russack at

Elizabeth, either, nor was the Hon. Mr. Hart there. However, they could have gone. I seized the opportunity to speak about the Hon. Mr. Russack, but the Hon. Mr. Hart did not seize the opportunity to go and speak at Elizabeth about the Bill. Why did he not go there and state his opinion? Why did he not give a straightforward answer on Monday night when he was asked a direct question? It was because he did not know the answer, because he had not received his instructions. That is why he did not come straight out with it on Monday night. On the other hand, we have acted according to the view of the people, as expressed, and we do not apologize for that. We have acted on what the people have indicated, and we said we would act on it well before any secret meeting that is supposed to have taken place. We knew that the people in the fringe areas, both the traders and the public, would be concerned as a result of our actions. No-one likes something taken away from him. Honourable members proved that this week when, on another Bill, they were not prepared to have things taken away from them, so they threw the Bill out of the window because something was to be taken away from them.

The PRESIDENT: Order! The honourable member must not reflect on the decisions of the Council. The Bill before the Council is the Industrial Code Amendment Bill. The honourable member must confine his remarks to that.

The Hon. D. H. L. BANFIELD: Thank you, Mr. President. As I have said, nobody likes to have something taken away from him. Alternatively, we think this Bill will have the effect of bringing about sensible, uniform trading and shopping conditions, something that should have been brought about years ago. The extension of the list of exempted goods will make available to the public all the essential goods they need. This will mean that in the fringe areas exempted shops will be able to sell certain goods for seven days a week; they will be able to sell all the essential items required by the community, so that nobody will go short. This will mean not that those shops will be open only on Friday nights, in those areas but that the goods required after hours will be available virtually as long as there is a public demand for them and the people want to shop at night. In fact, in terms of meat, the exempt list shows that these shops will be able to sell a variety of goods, such as frozen chops, steak, and so on, if they wish to, and if there is a public demand.

Much has been said about the lack of employment in these "open trading" areas. I suggest that the Hon. Mr. Hill and the Hon. Mr. DeGaris take up this point and make inquiries from the traders in those districts, because at least two of the major stores operating there say there will not be any lessening of demand for casual employment. They say that, because there is expected to be heavier trading on Friday during the day and on Saturday morning, more people will be required to work on a casual basis. That is logical because, if there is a 4-hour period less in which to serve the same number of people with the same number of articles, more people will be required to sell those goods. It is true they may have to work on Fridays and Saturday mornings instead of Friday nights but the Hon. Mr. Hill was not referring to that; he was referring to the possibility that they might lose their \$6 to \$9 as part-time earnings. But it should have been obvious to the honourable member that these goods must be sold in fewer hours than at present and, consequently, more employees will be required.

The Hon. C. M. Hill: But will the same customers go to the same shops?

The Hon. D. H. L. BANFIELD: That is the whole crux of the matter—"Will the same customers go to the same shops?" Previously, this Council has championed fair competition; in fact, repeatedly it did so in regard to the Government Insurance Commission Bill—"We must have fair competition." The Hon. Mr. Hill hits the nail on the head when he asks, "Will the same customers go to the same shops?" They may not go to the same shops; they may decide to shop in their own districts. The same people may not have the same number of hours; there may be people in other areas who will benefit as a result of the extra freedom to operate in their area, so at last we can bring about this so-called "fair trading", about which we heard from members opposite on another Bill. Does the honourable member think we should continue with this, that these people should go into the area and continue to have these unfair trading practices, or does he believe in fair trading? Let us look at his remarks on another Bill. We knew what he was thinking then but we do not know what he is thinking now, because he has not been good enough even to nod his head. Of course, he has no right to interject across the floor, but he has no answer to that question.

The Hon. C. M. Hill: The shoppers at Elizabeth can shop there during Friday and can go into an emporium on a Friday night.

The Hon. D. H. L. BANFIELD: What a terrible thing to say about the small trader! The honourable member's heart was bleeding for the small trader yesterday; now he is saying that this will drive the people back to the small trader.

The Hon. C. M. Hill: I am concerned about that casual worker who, you said, will now be employed on Fridays in the central emporium at Elizabeth. I do not think they will be employed in the future.

The Hon. D. H. L. BANFIELD: This is different from the information we received from the emporiums operating in the district. The Hon. Mr. Hill could have got the same information. They claim that there will be no lessening of the number of part-time employees: but, in fact, there is every possibility that there will be a greater number because there will be only the same amount of money to be spent in the area. The Hon. Mr. Hill was yesterday worrying about the small shopkeeper, but today he is worrying about somebody else, simply because the trade may go back to these small shopkeepers in the very same district. He cannot have it both ways.

The Hon. C. M. Hill: You do not follow the point.

The Hon. D. H. L. BANFIELD: It is pretty difficult to follow the honourable member—I appreciate that. I point out that the major stores operating in the area say that more people will be required to work on a casual basis. One of the silliest arguments advanced about this whole business is that the people in the fringe areas require this night shopping facility. While this may be true up to a point, that they require it, it is very difficult to reconcile this Friday night demand with some shops opening on Mondays, Tuesdays, Wednesdays, and Thursdays, because there is always somebody who is prepared to open his door on the off chance of getting a dollar or two, and there is always the person who is prepared to go to a shop, up to whatever the closing time is. Then it is said, "That store should be open seven days a week, 24 hours a day." The point is that these people are not just satisfying local demand but are in fact opening up to attract people from other areas. The Hon. Mr. Hill has just brought out the point, but it is not my view. The honourable member is not concerned about the small shopkeeper. These people are opening up purely for the purpose of attracting customers from other areas and are exploiting the facility of open trading, and at the same time taking business

away from the other inner area traders. It was the outmoded and inadequate Act that brought about this ridiculous business of shops having to sell illegally some goods.

People have defied prosecution in an endeavour to sell to the public these essential goods. They were concerned because the law was out of date. The Government feels that the provisions for the closure of all shops at 5.30 p.m., Monday to Friday, and at 12.30 p.m. on Saturday should come into operation on January 1. Any extension of this date will only help to create further confusion in the mind of the public and also in the minds of these fringe area traders. The Hon. Mr. Hill took up this matter very well yesterday. Here again his heart was still bleeding when he said we should extend this period for a further two years to look after the small trader in this area because of his commitments. I wonder whether the honourable member could tell us whether his firm did any business with these small traders and encouraged them to take out a long lease in Elizabeth or anywhere else.

Did his firm, and other real estate agents, say to those people, "Accept some advice from somebody who is concerned about the small shopkeeper"? Did they go around to the small storekeepers in the inner area and tell them, "In two years' time we are going to open up just across the border, so now will you make your financial arrangements? We are giving you two years' notice to make them before we open up in the fringe areas"? Did the Hon. Mr. Hill or any of his partners advise any of these leaseholders along these lines or did they say, "Give us our commission on the lease for five or 10 years (whatever it be), because we have just let this shop"? Neither he nor any of the other members of the Real Estate Institute showed any concern for the small trader in the inner areas.

The Hon. C. M. HILL: I take a point of order, Mr. President. The Hon. Mr. Banfield is impugning my character by saying or implying that I, as an owner or partner in a business, had advised people who were small traders of some period of time because of the possibility of legislation in which I was involved—

The PRESIDENT: I do not think that that is a point of order. If the honourable member objects to any offensive remark, I shall examine it if he puts it in writing. However, the honourable member has the opportunity of making a personal explanation at another stage; but I do not think it is a point of order. I suggest that interjections cease and that the Hon. Mr. Banfield continue with his speech.

The Hon. C. M. HILL: I take another point of order and ask whether it is possible for me to make a personal explanation now.

The PRESIDENT: No, the honourable member cannot interrupt another honourable member's speech to make a personal explanation, but he may make his explanation later on.

The Hon. D. H. L. BANFIELD: I apologize to the Hon. Mr. Hill if he thought that I was impugning his character and if he has objected to what I have said. I suggest that the people who had the job of leasing out these properties to people in a particular area who had an advantage over storekeepers in another area showed no concern for the small shopkeeper just across the road who was not able to take advantage of the extended shopping hours.

In reverse, people within the inner metropolitan area may now have the same fair competition with people in the fringe areas. We should not have to wait two years for this legislation to come into force, because the shopkeepers in the outer area did not give two years' notice of their intention to have an unfair trading advantage over people within the inner metropolitan area.

If the Hon. Mr. Hill has taken exception to anything I have said, I say that my remarks were not intended personally. I was merely pointing out how this concern has now acted in reverse, although no concern had been shown previously. The Government considers that an extension of the date of operation would only create further confusion, and if the legislation is wrong, it must be corrected; wrong legislation cannot be corrected too quickly. If people in fringe areas are able to take advantage of the Act, that is fair enough, because the law was wrong, although we are endeavouring to correct it now.

If the law is corrected, the longer it takes to put it into operation, the greater the chance will be that more people will continue to take advantage of the transition period only to find that they will be in a worse position when the legislation is brought into force. These fringe traders have had ample warning. The former Government indicated that it would revise the laws on shop trading, but it did not finish the job; then this Government announced that it would act. That is what the Government is now doing by following the wishes of the people. I believe that the Government will provide a new Act that will satisfy most people in all areas.

Trading and shopping facilities will be equal, and that is essential from an industry point of view. That point of view has already been

upheld in the Council on another Bill. Contrary to what has been said by Opposition members, the Government is recognizing the plight of the little man—the small storekeeper, the small butcher, and the little family business. All will have better opportunities to cope with the severe competition from the retail giants. Surely these small people have the right to exist. Surely no-one in Parliament wants these members of the community to suffer. How will these people be protected? They will be protected because there will be a levelling out of trading hours. This will help eliminate the overhead costs that are felt more severely by the small trader; he will be protected also by the removal of totally unfair competition. If the legislation will help small traders everywhere, why is there so much opposition to it by members opposite? They claim that they are looking after the small trader when, in fact, they are not doing so.

Yesterday, the Hon. Mr. Springett suggested that Elizabeth came into existence because people in Australia wrote to people in England and said, "Come out here. There are part-time jobs for all. This is a nice, happy home." As a result of this, many people came out from England and settled in the Elizabeth area. However, not all of them are employed part-time. If they were all employed part-time, no-one would have the opportunity to shop at all. It was the Hon. Mr. Springett who previously suggested that we should change our laws to suit migrants coming to Australia. For example, we should drive on the right of the road. Most migrants who come to Australia know the laws of this land before they arrive here.

Should we change our laws because these people operated under different laws in their own country? They decided to come to Australia and, in their wisdom, to accept our laws. Most of them took an oath to abide by existing and future laws. I do not see that we should give away the rights for which we have fought for so many years. As a result of some of these laws, our standards are as high as, if not higher than; those in most other countries. I cannot go along with the Hon. Mr. Springett's argument. Most migrants came to Australia because they thought that it had something to offer, because they could better their way of life, and because they were dissatisfied with the laws in their own country. The reason they came out was not that there might be changes in the law here.

The Hon. L. R. Hart: Most of them had Socialist governments in their own country.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hart could not hear sufficiently at Salisbury the other night. How could he advise migrants, when he could not advise the people at Salisbury on what he would do when he was asked a specific question?

The Hon. L. R. Hart: I was not asked a specific question.

The Hon. A. J. Shard: Yes you were.

The Hon. D. H. L. BANFIELD: Because the Hon. Mr. Hart is hard of hearing, perhaps he did not think it was a direct question. However, it was a direct question, but he was not prepared to give a direct answer.

The Hon. A. J. Shard: He ran around in circles and dodged it.

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: The Hon. Mr. Story also went along with the numbers game and suggested the same thing that the Hon. Mr. Dawkins had suggested, namely, if a certain result eventuated at the referendum in a certain district, that result should obtain in that district. What are the alternatives to the Bill? They are unacceptable and unsatisfactory. Maintaining the present position, with some shops open and some closed in adjoining areas, would not solve anything and an outdated Act would not be modernized.

The Hon. L. R. Hart: Who made that point?

The Hon. D. H. L. BANFIELD: The Hon. Mr. Dawkins could have brought it up, but it was not that honourable member: he could not say a word at the Salisbury meeting. The closing of all metropolitan shops at 9 p.m. on Fridays would be unsatisfactory. Apart from being a direct contradiction of the overall referendum result, it would mean that most shops and their employees would be forced to operate for extended hours. Such extended hours are not sought by present metropolitan traders or their staffs, nor are they sought by the public. The Hon. Mr. Hart knows this very well. The

Elizabeth traders who did not agree with the Trading Hours Committee knew that they were enjoying a trading advantage. It is no wonder they did not want to cease trading over the extended hours. They did not mind having an unfair advantage over storekeepers just this side of Gepps Cross. However, if the boot was on the other foot, I am sure there would be a great outcry. Those traders in the fringe areas knew that sooner or later the nettle would be grasped.

Honourable members should remember that the closing of banks on Saturday mornings did not cause hardship to the community. In fact, many younger people would find it hard to believe that banks used to open on Saturday mornings. Yet during the campaign that preceded the closing of banks on Saturday mornings there was a terrific outcry; it was said that there would be all kinds of robbery if banks did not open then and that the community would be disrupted. What was the result of closing the banks on Saturday mornings? No-one complains now that the banks do not open on Saturday mornings. The whole key to the issue is not whether shops that now open on Friday evenings should be forced to close but whether pressure from the fringe areas should force shops in other parts of the metropolitan area to open on Friday evenings. I suggest that every honourable member has the opportunity to get his shopping done at times other than Friday evenings. This Bill is long overdue. People in the outer metropolitan area should never have been allowed to gain an unfair advantage over people in the inner metropolitan area. I support the second reading.

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

ADJOURNMENT

At 4.24 p.m. the Council adjourned until Tuesday, November 10, at 2.15 p.m.