LEGISLATIVE COUNCIL

Tuesday, November 10, 1970

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

QUESTIONS

SUCCESSION DUTIES

The Hon. R. C. DeGARIS: Last week I asked the Chief Secretary a question relating to a newspaper report of the proposed rates of succession duties. Has he a reply?

The Hon. A. J. SHARD: The three cases taken each for New South Wales and Victoria and averaged for comparison with proposed South Australian succession duties were:

1. When the succession consisted of the whole estate;
2. When the succession consisted of half of the estate; and
3. When the succession consisted of one-quarter of the estate.

The reference in the newspaper reports to middle and lower incomes was quite an incorrect explanation and did not derive from any official release. The reference should have been to smaller and moderate successions.

CANCER

The Hon. V. G. SPRINGETT: On October 28 I asked a question of the Chief Secretary regarding the possibility of certain types of cancer being made notifiable. Has he a reply?

The Hon. A. J. SHARD: The New South Wales Government has very recently legislated and made provision to set up a State Cancer Registry in that State. All hospitals and radiotherapy units will be required to notify every case of cancer except the common superficial forms of cancer of the skin. Private medical practitioners will not be required to send notification of patients who consult them, because it is considered that effective records will be obtained when these patients undergo surgical or radiological treatment. Full details of the New South Wales scheme are being obtained, and will be examined by officers of the Public Health and Hospitals Departments, who will report fully to the Government on this move. No other State has yet set up such a registry. At the same time, valuable though incomplete records of cancer in South Australia have been kept by the Radiotherapy Department at the Royal Adelaide Hospital and by the Anti-Cancer Foundation of the University of Adelaide.

TRANSPORTATION STUDY

The Hon. C. M. HILL: Last week I asked a question of the Minister of Lands concerning the transportation report of Dr. Breuning. Has he a reply?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Roads and Transport, has supplied me with a copy of a statement that he intends to give in the other House. The statement answers the question the honourable member asked in this Chamber last week and goes a little further than the answer requested. It is in the following terms:

The report of Dr. Breuning and his associate was received towards the latter part of last week and is at present being studied by the Government. When the Government is in a position to announce policy decisions, appropriate announcements will be made. Following this, the report will be referred to Parliament for discussion.

BOOMERANGS

The Hon. L. R. HART: Has the Chief Secretary a reply from the Minister of Aboriginal Affairs to my question of October 20 about the sale of boomerangs in the United States?

The Hon. A. J. SHARD: The Social Welfare and Aboriginal Affairs Department is aware of the oversea marketing potential for traditional Aboriginal artifacts, particularly in the United States of America, as several requests for catalogues and price lists have been received. At present a high-quality brochure to promote South Australian artifacts from Amata, Ernabella, and Yalata is being produced by the department in an effort to tap these potential markets.

ABORIGINAL TRIALS

The Hon. A. M. WHYTE: On October 21, I asked the Chief Secretary to inquire of the Minister of Aboriginal Affairs about the possibility of conducting, on their reserves, court cases of Aborigines who were charged with minor offences, as a means of educating them in the way of the law. Has the Chief Secretary a reply?

The Hon. A. J. SHARD: My colleague informs me that careful consideration has been given to the suggestion made by the District Council of Murat Bay, and also by a group of justices in that area, that courts be held on Aboriginal reserves to deal with Aborigines residing on the reserves. There are undoubtedly desirable aspects of dealing with Aborigines on their own reserves, particularly where the

offence is committed on the reserve, but considerable difficulties arise. The constitution of a court on a reserve, particularly a remote reserve, is a time-consuming and expensive process. The court party and police must be transported to the reserve, suitable accommodation found, and facilities provided to hold prisoners in custody. If such an experiment is to prove successful, it is also necessary to ensure that the persons who constitute the bench have a real insight into the outlook and habits of the Aboriginal people, and an understanding of the way in which to make the white man's justice intelligible to Aborigines, who may have had little contact with the community outside the reserves. Whatever attractions the suggestion may have in theory, it is not at the moment practicable to constitute courts on the reserves.

The Hon. A. M. WHYTE: Further to the reply that the Minister has been kind enough to give me, in which he said:

If such an experiment is to prove successful, it is also necessary to ensure that the persons who constitute the bench have a real insight into the outlook and habits of the Aboriginal people, and an understanding of the way in which to make the white man's justice intelligible to Aborigines who may have had little contact with the community outside the reserves,

I wish to state that these people who constitute the bench at the present time would be no different from those who are prepared to hold trials on the Aboriginal reserves. The point I am making (and I ask that the Minister take it up with his colleague) is that these people would be treated no differently than they are at present and the justices themselves have asked for these trials to be carried out, as has been suggested.

The Hon. A. J. SHARD: I shall be happy to refer the honourable member's further question to the Minister of Aboriginal Affairs.

OFFAL

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

Leave granted.

The Hon. C. R. STORY: Recently, I noticed an item in the press indicating that the Minister for Primary Industries in Queensland would shortly introduce legislation into that State's Parliament concerning the edible and inedible offal which, when rendered to tallow, would segregate the two types of material that finally are used either for fertilizers or for the manufacture of cooking and spread-type margarine. I understand that the State Ministers recently discussed this subject at the meeting of the Agricultural Council at Mount Hagen in New Guinea, and it was agreed that each Minister would return to his State with the object of introducing similar legislation. Can the Minister of Agriculture say whether any progress has been made in South Australia in drafting this legislation, or whether it is the Government's policy to legislate in this matter?

The Hon. T. M. CASEY: I can tell the honourable member that this matter of offals that has been explained as happening in Queensland was not discussed at the meeting of the Agricultural Council at Mount Hagen. What was discussed was the legislation that had been introduced in Victoria and Tasmania. As the honourable member knows, the legislation is before the High Court in Tasmania at present, and the matter has not been resolved.

FISHING

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of November 3 about bag limits for fish in the Port Pirie area?

The Hon. T. M. CASEY: I am not aware of any current proposals to reintroduce bag limits for fish in the Port Pirie area. However, if bag limits were introduced (and this may become necessary if increasing pressure on the resources of whiting jeopardizes the future of that species) no distinction would be made between different methods of fishing, and the restrictions would apply to amateurs whether fishing from a boat or using a net. Moreover, the taking of under-size fish would be prohibited.

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of November 4 about fishing?

The Hon. T. M. CASEY: The honourable member's interpretation of the present law is correct. When the District Council of Pirie sought the reintroduction of a bag limit presumably to permit undersize fish to be taken, the Director did not agree to the suggestion but indicated that he would be prepared to recommend a bag limit to permit the taking of fish of legal minimum size only. Such a provision would restrict the activities of amateur fishermen. However, I point out that whiting is a limited fish resource that requires careful management and, if the increasing effort of amateur fishermen reached the stage where this species was being over-fished, some

restriction would need to be placed on the numbers and size of this type of fish that could be taken. The honourable member will appreciate that the regulations already prescribe a minimum legal size for certain species of fish, including whiting; but this restriction does not apply to amateurs fishing from a jetty with rod and line.

VIRGINIA SCHOOL

The Hon. L. R. HART: 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. L. R. HART: The Public Works Committee has recommended, and the Government has agreed to, the building of a new school at Virginia, to be built on a site different from that of the present school. I understand that an application has been made by the department to sink a bore on the new site to obtain water not only for the school but also for the building of the school, and that this application has been refused. Also, an application has been made to have an indirect water service from the pipeline of the Engineering and Water Supply Department. I understand that this application, too, has been refused. In view of this situation, the local residents are rather perturbed, believing that their new school may not eventuate. Will the Minister ask his colleague to investigate the possibility of piping water from the bore on the site of the present school, which is fairly near the new site, and to find out, too, whether it will be possible to pipe the water from the water main at the meter on the old site to the new site? The old site has both a bore and a reticulated service. As these requests have been refused, would it be possible to pipe the water from the old site to the new site so that the building of a new school could still proceed?

The Hon. T. M. CASEY: I shall be only too happy to refer the honourable member's questions to my colleague and bring down a reply.

BRIDGES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: The new Port Augusta bridge is now being constructed and, on October 1, the Minister of Roads and Transport, in announcing the letting of the contract for the Kingston bridge, made the following press statement:

A feature of the design is the use of a continuous deck system, which provides a smoother riding surface but eliminating the need for expansion joints.

Since that statement was made, the Westgate bridge tragedy has occurred. Whilst I realize that the cause of the tragedy is uncertain and is subject to an inquiry, much publicity has been given to the special design features of that bridge. Because the two South Australian bridges that I have referred to are very large (the contract for the Kingston bridge being worth about $1,300,000), can the Minister assure the Council that neither of these South Australian bridges includes design or specification features similar to those that characterized the ill-fated Westgate bridge?

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

DROUGHT BONDS

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

Leave granted.

The Hon. A. M. WHYTE: I was under the impression that drought bonds were designed for people who were experiencing two or three good years; they could buy drought bonds, which would alleviate their taxation position at that time and would be redeemable in years when they were in need, and they would pay tax on that money in the year in which they were redeemed. My bone of contention is that it is only when the Commonwealth Minister for Primary Industry declares a certain area a drought-stricken area that the holder of drought bonds can redeem them. This requirement, of course, is quite wrong; surely a man, having invested money, has the right to redeem that investment at his own discretion. He would be stupid to redeem it in a year in which he had to pay high taxation—a good year. So, he would not redeem his bonds until he needed the money. Will the Minister take up with the Commonwealth Minister the possibility of having an area declared a drought area by a South Australian body such as the Pastoral Board or the Agriculture Department, which could liaise with the holders of drought bonds and the Commonwealth Taxation Department?

The Hon. A. F. KNEEBONE: As the honourable member says, his question is a matter for the Commonwealth Government. He must realize that that Government, in making these bonds available to primary producers, considered there had to be some restrictions on the redemption of these bonds because in a good year a person could invest in drought bonds and thereby get taxation relief. In subsequent years he could withdraw the money and, in that way, because of his income being smaller in that year, pay less taxation. The provisions of the drought bonds are drawn up so as to alleviate the position of people in drought conditions. However, there are other provisions whereby a man who wants his money because he is selling out, or for some other reason, can withdraw the drought bond money, but he must pay the taxation that applied in the year when he bought the bonds. As this is a Commonwealth Government matter, naturally the Commonwealth must decide what is a drought condition, although it is on State Government recommendation to the Commonwealth that a certain area is declared to be drought stricken. Naturally, it would be a board such as the Pastoral Board that would advise the State Government on what is a drought-stricken area. However, it could not be left to the board to decide on the Commonwealth's behalf what is a drought-stricken area. If my answer does not suit the honourable member, and if he wishes to put up a strong case on the way in which we should approach the Commonwealth in regard to having the provisions of the drought bonds altered, I shall consider this matter further.

GOVERNMENT HOUSE SECURITY

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: The following press report appears in the *Advertiser* of October 24:

The New South Wales Police Commissioner (Mr. N. T. W. Allan) has ordered an immediate strengthening of security at Government House in Sydney. The order followed the arrest in Government House late on Thursday night of a youth who was allegedly armed with a .22 calibre automatic pistol. The young man had allegedly pointed the gun at Richard Cutler, 19, son of the Governor (Sir Roden Cutler). Sir Roden Cutler and Lady Cutler were away from Government House at the time.

As my question deals with security at Government House, Adelaide, I direct it to the Chief Secretary, who is in charge of our Police Force. As a result of the unfortunate incident in Sydney, and because of the need to prevent similar occurences in Adelaide, can the Chief Secretary assure the Council that security arrangements at Government House are adequate?

The Hon. A. J. SHARD: I would think that the short answer is "Yes". I have never heard any complaints about the security at Government House, and I would think that the behaviour of the average citizen of South Australia was such as to enable me to hope that such an incident could not occur here. However, as the question has been raised, I will discuss it with the Commissioner of Police and examine the position. I have never heard of any complaints, and I understand that the security is quite sufficient.

AGRICULTURAL EDUCATION

The Hon. C. R. STORY: On October 22 I asked the Minister of Agriculture a question concerning the availability of the report of the committee inquiring into agricultural education. Has he a reply?

The Hon. T. M. CASEY: I indicated when replying to the question at that stage that I understood a report would be forthcoming within four or five weeks. The Chairman of the committee has now informed me that the report is substantially drafted and is being edited for final presentation, which should be by the end of this year.

ABORTIONS

The Hon. H. K. KEMP: Is the Chief Secretary yet in a position to report to this Council the statistics of abortions for the first 12 months of the operation of the new Act, as requested in my question of October 29?

The Hon. A. J. SHARD: As the legislation concerning notification of abortions to the Director-General of Medical Services came into operation on January 8, 1970, statistical analyses for 12 months will be available in January, 1971. Statistics compiled for the September meeting of the committee appointed to examine and report on abortions notified in South Australia were released with my approval and are factual and without any bias. Further statistics will be available in due course. To prove that I have nothing to hide and that I do not want to suppress any figures, I seek leave to incorporate in *Hansard* the statistics referred to by the honourable member without my reading them.

Leave granted.

ABORTION STATISTICS

Age:

Age in Years	No.	p.c.	U.K. p.c.
13-15	7	0.9	2.3
16-19	103	13.0	14.7
20-24	193	24.5	27.7
25-29	121	15.4	18.1
30-34	124	15.7	15.5
35-39	106	13.5	12.6
40-44	82	10.4	5.8
45 and over	18	2.3	0.7
Unknown	34	4.3	2.6
Total	788	100.0	100.0

Marital Status:

Single	298	37.8	47.0
Married	420	53.3	44.4
Widowed/ Divorced/ Separated	69	8.7	8.2
Unknown	1	0.1	0.3
Total	788	99.9	99.9

Reason for Abortion:

Grounds	No.	p.c.
Specified medical disorders	98	12.4
Specified psychiatric disorders	647	82.1
Potential damage to foetus	39	4.9
Assaults on persons	4	0.6
Total	788	100.0

Status of Doctor performing operation:

	No. of Doctors	No. of Patients	p.c.
Specialists in Obstetrics and Gynaecology	38	620	78.7
Other Medical Practitioners	61	168	21.3
Total	99	788	100.0

Residence of Patient:

	No.	p.c.
City	609	77.3
Country	169	21.4
Other	10	1.3
Total	788	100.0

Hospital where operation performed:

	No.	p.c.
Metropolitan—Public	317	40.2
Metropolitan—Private	399	50.6
Country	72	9.2
Total	788	100.0

ABORTION STATISTICS—*continued*

Type of Termination:

	No.	p.c.	U.K. p.c.
Dilation and Evacuation	451	57.2	41.9
Hysterotomy—abdominal	195	24.8	25.7
Hysterotomy—vaginal	3	0.4	0.6
Hysterectomy	24	3.0	1.5
Vacuum aspiration	109	13.8	25.4
Other	3	0.4	4.5
Not stated	3	0.4	0.4
Total	788	100.0	100.0

Post-operative Complications:

	No.	p.c.
None	733	93.0
Sepsis	14	1.8
Haemorrhage	23	2.9
Death	—	—
Other	16	2.0
Not stated	2	0.3
Total	788	100.0

Number of terminations notified—on a monthly basis:*

February	29
March	61
April	75
May	106
June	99
July	112
August	132
September	174
October	109

(October figures not yet categorized)

*Month ending 8th day of each month

DAIRY QUOTAS

The Hon. H. K. KEMP: My question, to the Minister of Agriculture, relates to dairy quotas. There has been considerable newspaper publicity as to the release from dairy quotas of Victorian dairies and a statement that milk supplies are now short. Can the Minister illuminate this position?

The Hon. T. M. CASEY: No, I have no information on this matter.

PRAWNING

The Hon. C. R. STORY: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: Last night, on a television programme that I witnessed concerning prawn fishing, the claim was made by one fisherman that he had invested about

$150,000 in a new, specially built prawning boat, that prior to building the boat he had a licence to fish for prawns, that he had sold his other boat, and that although he desired to go into the industry with the new boat he was now unable to obtain a licence. Is the Minister fully acquainted with the circumstances of this case? If he is. will he reconsider the situation in view of the fact that certain factories in this State are not working to anything like capacity because of their inability to obtain prawns and thus are unable to keep their employees working?

The Hon. T. M. CASEY: Although I did not see the television programme referred to, I understand that there was some discussion about a certain gentleman who had built a prawn boat. I have had a look at this matter, and I am sure that the honourable member who asked the question is quite conversant with the situation also. With regard to the question of processing plants not being able to get enough prawns to keep their staff employed, this is a question of resources: if the prawns are not running, the natural thing is that one does not catch them. I understand that the season is rather late this year, and whether or not things will improve no-one can say at this stage. I would say that one boat in the industry would not make an appreciable difference to the number of processors who have factories in this State. Regarding the prawn boat in question, I have gone into the matter very thoroughly, and I have found that under the present regulations the situation must remain as it is.

The Hon. C. R. STORY: I should like to ask the Minister whether it is a fact that at the time this boat was being constructed there were no regulations that dealt with changing over a vessel in the prawn industry and, secondly, whether the regulations under challenge in this Chamber at present are the regulations that empower the department to take the action it has taken in prohibiting the transfer of a licence from one vessel to another without increasing the total number of boats.

The Hon. T. M. CASEY: The reply is "No".

WAROOKA WATER SUPPLY

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the water supply of the town of Warooka on Yorke Peninsula. The town is not connected to the general Yorke Peninsula scheme but is supplied by what I think is known as the Para Wurlie scheme, an underground supply from west of the town. I believe that the people of Warooka experience considerable trouble and embarrassment during the heat of the summer because of the extremely poor pressure of water provided at that time. I understand that some consideration was to have been given to the provision of an extra storage tank in the area so that the water pressure in the summer could be more adequate. Will the Minister ascertain from his colleague whether further consideration has been given to this possibility and, if it has, what has been the result?

The Hon. T. M. CASEY: Yes.

D. & J. FOWLER (TRANSFER OF INCORPORATION) BILL

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

HIGHWAYS ACT AMENDMENT BILL

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

BUILDING BILL

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

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

Second reading.

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

That this Bill be now read a second time.

It incorporates the recommendations of the National Standing Committee on drugs of dependence that have been made with a view to combating on a uniform basis the developing drug problem in Australia. The National Standing Committee was set up following a meeting of Commonwealth and State Ministers in February, 1969. The purpose of establishing the committee was to create a body capable of advising upon drug problems and of examining avenues of co-operative action between Commonwealth and State authorities.

The present operation of the Dangerous Drugs Act extends only to narcotic drugs. It is desirable that non-narcotic drugs of dependence (for example, the amphetamine

stimulants) be brought under the control of the Act. In consequence of the proposed extension of the application of the principle Act, the Bill alters its title to the "Narcotic and Psychotropic Drugs Act". This title accurately describes the kinds of drugs that produce drug dependence. Similar terminology is employed in the International Convention on Narcotic Drugs and in the present draft international protocol on psychotropic drugs prepared by the World Health Organization.

The Bill introduces severe penalties for drug "pushing" which the Government hopes will prove to be an adequate deterrent against the exploitation of young people by unscrupulous profiteers. The Bill makes several other technical or administrative amendments designed to improve the general efficacy of the principal Act. The provisions of the Bill are as follows. Clause 1 is formal. However, it should be noticed that this clause provides for the change in the title to the principal Act to which I have previously adverted. Clause 2 provides that the amending Act shall come into operation on a day to be fixed by proclamation.

Clause 3 amends the definition section of the principal Act. The amendment defines the expression "drug to which this Act applies", as this expression is frequently employed throughout the principal Act. A new definition of Indian hemp (marihuana) is inserted. The previous definition referred only to the dried flowering or fruiting tops of the plant *cannabis Sativa L.*, which are in fact the portions of the plant containing the highest concentrations of active resin. The extension of the definition is necessary because it has been discovered that active resin is dispersed throughout the whole of the plant. A definition of the "owner" of premises is included. This definition is merely transferred by the Bill from its present position in the existing section 5 of the principal Act. A definition of "prohibited plant" is inserted. This definition anticipates a later provision to be inserted in the Bill making it an offence to cultivate a prohibited plant.

Clause 4 amends section 4 of the principal Act. The amendment includes "prepared opium", which is opium reduced into a form suitable for smoking, as a drug to which the Act applies. The specific reference in paragraph (*b*) to "any extract or tincture of" Indian hemp is no longer necessary in view of the revised definition of "Indian hemp". The unnecessary words are therefore struck out. The amendment redrafts section 4 (3). The old provision provided that only drugs that produced ill effects similar to morphine (that is to say, the narcotic drugs) could be brought within the provisions of the Act. The amendment permits the extension of the principal Act to psychotropic drugs that do not fall within this category.

Clause 5 repeals and re-enacts section 5 of the principal Act. The section is re-enacted in a more comprehensive form. New subsection (1) deals broadly with the individual drug-taker and provides penalties for the possession or consumption of a drug to which the Act applies or the possession of equipment for the purpose of preparing or administering such a drug. New subsection (2) provides a heavier penalty for the production of the prohibited drugs or the supply or administration of those drugs to other persons. The penalty here consists of a fine of $4,000 or imprisonment for 10 years. The new section also provides that a person who is in possession of more than the prescribed quantity of the prohibited drugs shall be deemed to be a trafficker unless he proves otherwise.

This reversal of the onus of proof is in this instance thought to be justified in view of the grave social consequences that may be caused by a trafficker, and the relative difficulty in proving that a person who is caught in possession of substantial quantities of drugs is engaged in trafficking. The National Standing Committee has recommended that the prescribed quantity of marihuana cigarettes should be 50 cigarettes. It is necessary to prescribe these quantities by regulation not only because it may be necessary to deal with changing patterns in drug distribution but also because of the wide range of drugs of dependence that will be controlled by the legislation.

Clause 6 amends the regulation-making powers. These powers are widened in order to enable adequate control to be asserted over the new drugs that are to be introduced into the ambit of the legislation. The regulatory powers relating to the issue of prescriptions by medical practitioners and veterinary surgeons are extended to the issue of prescriptions by dentists. Dentists have not been authorized to issue prescriptions for the narcotic drugs but, because some of the new drugs that are to be controlled may have a genuine use in dental practice, it may be necessary to authorize dentists to issue prescriptions

for certain of the controlled drugs. These will be specified in the regulations. Clauses 7 and 8 make consequential amendments to sections 9 and 10 of the principal Act.

Clause 9 amends section 11 of the principal Act. The power of search embodied in this section is extended to persons authorized in writing by the Minister. At present this power resides only in members of the Police Force. The amendment is made in order to enable the Minister to appoint certain customs officers as authorized officers under this section. The Commonwealth provisions in relation to drugs of dependence relate only to imported drugs. There is some difficulty at times in establishing whether or not illicit drugs have, in fact, been imported. In such cases it has been the practice for a partially completed customs investigation to be handed over to the State police. This is not an altogether satisfactory situation. Accordingly, under an authorization from the Minister, customs officers will in future be able to complete their investigations under the provisions of State law. This system has been recommended by the National Standing Committee and accepted by the States generally.

Clause 10 amends section 12 of the principal Act. This section empowers certain authorized persons to enter upon the premises in which a drug to which the Act applies is manufactured and to inspect books and records on the premises and stocks of the drug. The present provisions limit this right of entry and inspection to police officers of or above the rank of sergeant. Not all members of the police drug squad are sergeants and it is necessary for efficient investigation that all officers be duly authorized. The amendment therefore removes the requirement that a member of the Police Force operating under the section should be an officer of or above the rank of sergeant.

Clause 11 amends section 14 of the principal Act, which deals with penalties and legal proceedings. The general penalties are raised from a maximum of $500 to a maximum of $2,000 with no alteration to the existing maximum term of imprisonment, which remains at two years. There are, as honourable members will remember, specific penalties provided for illicit manufacture of, or trafficking in, drugs. Proceedings in respect of an offence under the principal Act are to be disposed of in the same manner as proceedings for minor indictable offences are dealt with under the Justices Act. The defendant is, however, given an election to have the offence dealt with upon indictment before a jury if he so desires. Clause 12 enacts new section 14a of the principal Act. This new section emphasizes that the rehabilitation of a drug addict is more important than punishment. It accordingly enjoins the court in appropriate cases to impose a suspended sentence of imprisonment on condition that the defendant undertakes appropriate treatment.

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

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 2397.)

The Hon. L. R. HART (Midland); I do not wish to discuss this Bill in full. I intend to confine my remarks to the latter portion of it, dealing with the repeal of the Early Closing Act and the institution of new trading hours for retail stores in South Australia. In the matter of early closing, three classes of person need to be considered. First, there is the employer, the shopkeeper, who runs a business on a profit basis besides providing a service to the public; secondly, there are the shop assistants, some of whom are interested in working overtime to increase the value of their pay packets; and, thirdly, there is the general public, which looks for a service and, in the main, is prepared to pay for it.

There is a conflict between the unions and some of the shop assistants, those people who are endeavouring by working overtime to gain some extra money to pay for debts incurred by purchasing what may be regarded today, in some cases, as the necessities of life and, in other cases, even as an odd luxury. They may even be struggling to give their children advanced education. The economic future of and perhaps a reasonable existence for these people must be considered. The extra money they can gain from working overtime is not inconsiderable.

I was speaking recently to a man who works as a shop man in a butcher shop at Salisbury and he told me that by working on Friday night from half-past five to 9 o'clock he could increase his pay packet by $10. I also believe that in the butchering trade, where shop men and butchers have been working on Sundays in those retail outlets that open on Sundays, they have been able to make up to $30 extra, which is quite a consideration for them. The position of the shopkeeper is, I think, fairly clear. With few exceptions, they

prefer to sell their goods in as short a time as possible without having to pay penalty rates for overtime work. The main, and possibly the only, attraction of late closing to them is that they could attract some trade that would not otherwise be available to them. I do not think the Hon. Mr. Banfield was correct when he said that traders wished to retain their unfair trading advantage. There may be the odd person in this category but, in the main, that would not be the view of the traders. I believe that, if a poll was taken among the traders, the result would be overwhelmingly in favour of early closing.

Then there is the general public, the people who trade with the shopkeepers. As the referendum indicates, the views of these people vary in different districts. In districts where late trading has existed, the vote was overwhelmingly in favour of retaining this service. This is easy to understand when one appreciates the background of these people and the habits they have developed over a period of years. They have enjoyed late closing because it has enabled them to shop as a family group. There has been family involvement in the shopping and this, to some of these people, is an added advantage because the woman may have some doubts whether she should purchase a particular article at a certain price or whether she should purchase a better article at a higher price. If she is able to shop with her husband, they can decide between them. It is a much more desirable and beneficial way to do it.

Many of these people, particularly the women, are confined to their homes during the week because of family commitments. Consequently, Friday night shopping is a social outlet. Having seen late closing in action, I fully appreciate why these people have valued the facilities they have enjoyed for such a long time. Furthermore, one can easily understand their criticism of the move to take these facilities away from them. I know that the Government had a difficult task when it set out to up-date the Early Closing Act. The Labor Party clearly said in its policy speech prior to the last election that it would deal with the Act and that there would be no extension of late trading beyond those areas where it then existed. I believe that it intended to abolish late trading but, after throwing out a few feelers, it realized that such a move would prove to be most unpopular, particularly in certain areas. The Government was therefore not happy to proceed with a move to take from people a facility they had enjoyed for many years. Consequently, the matter went back to the Government's masters, the unions, which said, "You must go on with this move to abolish late closing."

The Hon. M. B. Dawkins: They had a meeting one Sunday morning.

The Hon. D. H. L. Banfield: You had a meeting one Monday night.

The Hon. L. R. HART: We will not go into that. The Government then said to its masters, "Well, we think it is better to have a referendum."

The Hon. T. M. Casey: Were you at the meeting?

The Hon. L. R. HART: That is a side issue. I have not mentioned anything about meetings. The Labor Government said to the unions, "We will prove to you what the people want by holding a referendum." However, the referendum did not provide the Government with a true reflection of the opinion of the people. People in some areas were decidedly in favour of retaining late closing, but people in other areas preferred early closing. Of course, the important feature of the referendum was that, because many people did not vote at all, the Government did not get a true reflection of the opinion of the people in the referendum area. In addition, scrutineers have informed me that many of the people who voted informally tried to express their wish but they did not do it in the required manner. Many such people wrote "Yes" on the ballot-paper instead of a "1" in favour of late closing. If the true intention of the people who voted informally had been considered, there would have been a different result. Of course, many other people who were interested in late closing were denied a vote—the people living in surrounding country districts outside the referendum area.

The Hon. D. H. L. Banfield: You do not normally worry about people being denied a vote.

The Hon. L. R. HART: Because most of these people would have favoured late closing, the referendum did not truly reflect the desires of all those concerned. After the referendum the Minister of Labour and Industry was quoted in the press as saying that the Government had made up its mind and that legislation had been prepared. Obviously, the Government had prepared a Bill that was not acceptable to the unions. If not, why was the clandestine meeting at Modbury necessary? It is quite clear

where the unions stand on closing hours. The Federal Conference of the Shop Assistants Federation of Australia was recently held in Brisbane. The following is an extract from an article in bold type (headed "Union firm on 5-day week plan") in *Retail World,* the official organ of the National Association of Retail Grocers of Australia:

The Shop Assistants Federation of Australia Federal Conference has reaffirmed its policy of a five-day week for all shop assistants. Twenty delegates representing more than 60,000 shop assistants throughout Australia agreed that, within the context of this policy, the union was prepared to examine any proposal from any organization. The conference, which met at Broadbeach on the Gold Coast, asked all State branches to take immediate steps to amend awards and agreements to embody at least the Queensland provision of one Saturday off in three by December next year. Queensland shop assistants began having one Saturday off in three last January.

This significant article clearly shows where the unions stand on trading hours. This policy of restricting Friday night trading is only the thin end of the wedge. The abolition of Saturday morning trading is undoubtedly the next move. It is the stated policy of the Shop Assistants Federation, and it was reaffirmed at the recent conference. "Uniform trading hours" has been the catch cry throughout this debate by some honourable members. If they really believe in uniform trading, how is it that petrol stations outside the old Early Closing Act area but inside the enlarged metropolitan area will not be required to observe the new trading hours? There is no difference between the principle of a petrol station trading within the Early Closing Act area and that of a retail store trading within that area. So, it is inconsistent to allow a petrol station on one side of the railway line at Cavan to trade for 24 hours a day seven days a week whilst restricting the trading hours of a petrol station on the other side of the line.

I intend to vote for the second reading of this Bill to enable me to move certain amendments during the Committee stage to give effect to the desires of the people in the areas I represent, as expressed in the referendum. I do not wish to defeat the Bill at the second reading stage, because that would mean maintaining the *status quo,* and I do not think any responsible person desires to do that. It would mean that retail shops outside the old Early Closing Act area would be able to trade for 24 hours a day and for seven days a week, if they wished to do so. I do not think it is the desire of the people living in these areas that this situation should continue. These people clearly expressed in the referendum that they desired to be able to trade and to shop on Friday nights. My decision to move amendments is strengthened by correspondence I have received from corporations and district councils in my area. It may be of interest to honourable members if I read the view of these people that has been expressed in correspondence to members of the Government, to Opposition members and to the Minister of Labour and Industry.

A short extract from a letter received from the Corporation of the City of Salisbury, addressed to the Hon. G. R. Broomhill, M.P., Minister of Labour and Industry, states:

Dear Sir,

At the meeting held on September 21, 1970, council gave consideration to the result of the referendum held on September 19 relating to shopping hours. I have been directed by council to make reference to previous communications forwarded to you in relation to a retention of the existing shopping hours. In the letter dated July 31 it was advised that the council would be opposed to any alterations to the boundaries of shopping districts associated with the Early Closing Act which could in any way affect the area of this municipality or its residents or ratepayers as far as existing shopping hours were concerned. The result of the referendum confirms previous submissions of this council, in that existing shopping hours should be retained, particularly the Friday night hours of opening and also Saturday morning.

The letter was signed by J. Bormann, Town Clerk. In addition, I have received correspondence from the Corporation of the City of Elizabeth. It is interesting to read the letter, because it expresses the unanimous decision of the members of the council. The letter states:

The following is the text of a resolution which was passed at a meeting of the council held on Tuesday, September 22, 1970:

> That the Hon. the Premier be advised that this council emphatically and unanimously endorses the view expressed in previous submissions on the question of trading hours that it is absolutely vital to the wellbeing of this area that shopping hours be maintained as they are and urges most strongly, on behalf of its citizens, that no legislative action be taken by the Government to take away from residents of this area the long-established right to shop in accordance with the existing trading hours in Elizabeth.
>
> Further, that it is considered regrettable that the questions asked at the referendum did not allow people the customary option of leaving things as they are,

although it seems clear from the results of the referendum that people in this and other metropolitan areas wish to maintain the *status quo*.

I agree to that portion of the letter, but I do not agree to the part about maintaining the *status quo*. The resolution continues:

Further, that all House of Assembly and Legislative Council members representing the Elizabeth area be supplied with the written submission originally made by this council on the trading hours question and requested to oppose without qualification any attempt to pass legislation which would alter the area's present right to have shops open for trading on five days a week plus Friday night and Saturday morning because the referendum results indicate very clearly that this is the wish of people in the areas they represent and, furthermore, the referendum results indicate general support for maintenance of the *status quo* throughout the metropolitan area, although people were not given the option of directly indicating this choice because of the inadequacy of questions asked at the referendum.

In accordance with the terms of this resolution I am enclosing a copy of the written submission lodged by this council some time ago on the trading hours question which informed both the previous and present Ministers of Labour and Industry of the extreme importance which this council attaches to having present trading hours maintained in the Elizabeth area.

In view of the overwhelming support shown in the recent referendum for maintenance of the *status quo* in this area, council feels that residents can justifiably expect those members of Parliament who represent this area to oppose the passage of any legislation which would go against the clearly expressed wish of local residents to maintain their present right to shop on Friday nights and Saturday mornings. Your co-operation in ensuring that no amendment is made to the Early Closing Act which would preclude Friday night shopping in the Elizabeth area would be appreciated.

(signed) J. S. Lewis, Town Clerk

Any honourable member must take note of the expressions of the people in his district when those expressions have been expressed by a vast majority of the people in the area. As their representative, as one who appreciates the problems in the area, as one who spends considerable time there and who understands the feelings of the people, I am duty bound to endeavour to have the Bill amended to bring about the desires of the people in the area as expressed in the referendum.

We must realize that, in due course, there must be some rationalization of trading hours and that traders must face this fact. As other honourable members have mentioned the situation that pertains in certain oversea countries, I shall not deal with the oversea situation. I believe that the expressed wish of the majority of the people in this State will be, as time goes by, that there must be longer trading hours. It will be the pressure of public opinion that will force Governments to legislate accordingly.

It is interesting to read a comment by an oversea person who recently visited Australia with the intention of opening stores here. Another extract from the *Retail World* states:

The visit to Australia this month of Mr. Robert McNamee, assistant franchise manager of the 7-Eleven Food Stores of America, must cause a great deal of thought among food trade leaders. Mr. McNamee spent a week in Sydney and two days in Melbourne this month to meet wholesalers and retailers and to study the Australian retail food market and distribution methods.

Parent company of the 7-Eleven operation, the giant Southland Corporation, of Texas, sent Mr. McNamee over to survey the scene for possible development here of its type of convenience store and dairy companies. The 7-Eleven convenience food stores trade, as the name implies, seven days a week from 7 a.m to 11 p.m.

Regardless of opposition from trade union leaders and retail organizations, the number of food lines that can now be sold at all hours (sixth schedule goods) has been extended in Victoria to cover an increasingly wide range. Existing convenience stores—milk bars and mixed businesses—if they were of a size and a merchandizing standard, could sell a range of goods which today accounts for 70 per cent of all groceries sold. The outstanding fact is that there is a public demand for more convenient and better merchandised convenience stores. Unless the Australian food trade, on one level or another, supplies it, then 7-Eleven or somebody else will. Only likely deterrents at this stage are the restrictions, which vary from State to State.

Therefore, it seems that we in this country could be subjected to more and more pressure from oversea retail organizations to adopt this policy of service to the public and longer trading hours.

I do not wish to deal with the Bill in detail; we will have an opportunity of doing that later. However, I wish to make several comments in relation to exempted shops and exempted goods. Today we have in the community a type of shop that prepares and cooks food and sells it to people who do not consume it in the shop but take it away. There is no provision to allow these people to register as an exempted

shop. I believe there should be an extension of the exempted shops to provide for these "take-away" food shops.

Regarding exempted goods, some honourable members from time to time may have had reason to obtain certain machinery spare parts from firms whose premises are in the Early Closing Act area. Perhaps these are not registered shops, but at least they are dealing with the public in a retail fashion. There is no provision made in the list of exempted goods for people to supply this particular class of goods, and I should like the Minister to explain whether firms who deal in spare parts for machinery will be allowed to continue to supply these spare parts over the weekend if required.

The Hon. T. M. Casey: What type of machinery do you mean?

The Hon. L. R. HART: All types of machinery.

The Hon. T. M. Casey: Headers and combines and things of that nature?

The Hon. L. R. HART: Yes, farm agricultural machinery. As the Minister will know, often a person has a breakdown of machinery at 12 noon on a Saturday.

The Hon. C. M. Hill: It could be an irrigation pump.

The Hon. L. R. HART: Yes, or any type of machine used in agricultural pursuits. If anyone has the misfortune to have such a breakdown on a Saturday or even after hours, it is very convenient and perhaps often essential that he obtain a replacement part before that particular business is open again on the Monday.

The Hon. T. M. Casey: You want them to sell parts at weekends?

The Hon. L. R. HART: I want them to be able to continue their present practice of supplying these articles to those people who desire this service. It is not a big trade, but it is a convenience trade which I think should continue to exist. With those few remarks, I support the second reading.

The Hon. JESSIE COOPER secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (FEES)

Adjourned debate on second reading.

(Continued from November 5. Page 2385.)

The Hon. C. M. HILL (Central No. 2): There is a Senate election advertisement on the radio at present sponsored by the Australian Labor Party. This announcement begins with a screech of brakes as a background, and then a voice says words to this effect:

A new tax on petrol has certainly put the brakes on the motor car industry in South Australia.

It seems rather ironical to me that we should be hearing an advertisement like that whilst at the same time we have before us a measure which slugs most of the motorists in this State an extra 50 per cent on their licence fees.

The Hon. A. F. Kneebone: To what purpose?

The Hon. C. M. HILL: I will come to that as I proceed. Simply saying that the purpose is road safety is not in itself enough, because the motorists (and there are 560,000 drivers in this State at present, or about half the State's population) have always asked questions when their particular world of motoring and the motor industry have been affected. They are asking now what are the plans to spend this extra $1 that is going to be charged; will the money be spent wisely; and has the Government not at the moment adequate funds for the purposes for which it is seeking this extra money?

Traditionally, South Australian motorists have queried measures of this kind. They are in the main a very united body, and they always take objection or they always query when changes occur which affect them. This goes back, as I have said, in a traditional manner. I was very interested to read two paragraphs from a book by John Goode entitled *Smoke, Smell and Clatter.* On page 31, he says:

South Australia was the first Australian State to introduce a Motor Car Act in 1904. This Act compelled each car to carry a disc with the name and address of the owner and the make and horsepower of the vehicle. The Act also set speed limits. While the general speed limit was set at 15 m.p.h., in many Adelaide streets the limit was only 12 m.p.h. It was restricted to 4 m.p.h. in the two chief shopping streets of Adelaide between 7 p.m. and 10 p.m. on Saturday nights, the most busy shopping period. Despite protests from motorists, the Act was passed and motor car owners in Adelaide drove along King William Street with black veils covering their faces—a sign of mourning and objection to the indignity they were forced to endure by carrying dog-type registration discs.

That proves that from way back in those days motorists have objected to changes of this kind, to changes in their Act, and particularly to increases in taxation. Here we have a measure which it is expected ultimately will bring an increase in revenue of about $500,000.

That figure was given by the Minister of Roads and Transport in a newspaper article of September 24 of this year, when he said:

The money brought in by the increased licence fee would finance a driver-education programme to be conducted by the Road Safety Council. It was expected the increase would bring in an additional $500,000 annually for the safety programme. Railway crossings would also be improved by grade separation or automatic warning devices.

So we are dealing with a measure that will lead to a considerable increase in payments by motorists to the State Government.

The Bill is a relatively short one. It deals with the main points of simply increasing the class A and the class B licence fees from $2 to $3. The fee for incapacitated pensioners has been fixed at $1, despite the increase from $2 to $3 for the class A and class B. Pensioners also have been given some concession in that their fee will remain at $2. I am pleased to see this concession. Apparently that was some sort of an afterthought by the Government, because it was announced publicly about a week after the first announcement of the plan was made in the press.

The Hon. A. F. Kneebone: The Minister was clearing up the point because people had been asking about it.

The Hon. C. M. HILL: It was not mentioned as if that was the case: it was mentioned, it seemed to me at any rate, as a basis of some political propaganda, because at the same time the Minister said:

The Commonwealth Government has forced a difficult enough plight on pensioners by ignoring their needs in the last Budget.

If that is not political propaganda, I ask the Minister, what is! The last point the Bill deals with concerns the payment of a fee to, in effect, the Police Department by a permit-holder for his driving test. Previously, he paid $1 to the Registrar of Motor Vehicles, received a learner permit, did his test, and then received his licence. I am not sure to whom he pays the money now, but it finds its way back to general revenue. Considering the time that people take up with a public utility, I do not think that matter is unreasonable.

I believe that motorists in this State are questioning the real intentions of taxing the people in this way. The Minister said that the Bill is clear evidence that the Government intends to do all in its power to reduce the appalling loss of life and human suffering that result from road accidents, and later he said that the Government was considering a massive and far-reaching programme of driver improvement proposed by the Road Safety Council of this State, such a programme being estimated to cost about $77,000 in the first year and $60,000 a year thereafter. That means that when the driver-improvement programme settles down the cost will be about $60,000 a year, but later in his speech the Minister said that of the $1 increase in licence fees no more than 50c would be available for road safety measures through the Treasury and that the maximum amount available in any one year would be about $250,000.

We have a mysterious $190,000 about which I should like to hear. Also, a balance of $250,000 is to go in the normal course of events—as it does now pursuant to section 31 (3)—to the Highways Fund to be spent on road construction, improvements, safety features and railway crossing systems. Some doubt exists as to the immediate plan for spending that money, except for the initial $77,000 and the $60,000 annual payments.

That some action is necessary to counter the road toll and to implement effective road safety measures is undeniable. It is necessary because road deaths this year are already an all-time record: up to yesterday there were 298 fatalities on the roads this year compared with 215 at the same time last year. Regrettably, this year's figure can be compared with the past record annual number of deaths, which occurred in 1968, of 275. We have to ask ourselves what is the best possible action to take. Is the proposal to raise money the kind of thing that people in this State expect to hear in the first instance?

The Hon. A. F. Kneebone: Education of drivers, that is what the money is for.

The Hon. C. M. HILL: That is the proposal announced by the Minister, and it will cost $77,000 this year and $60,000 each year thereafter. However, that is only chicken feed compared with the money this measure will raise.

The Hon. T. M. Casey: It will improve railway crossings.

The Hon. C. M. HILL: I shall refer to that matter later. I should think the proper thing for the Government to do is to bring out its plan and say who has recommended it, what experts have advised on it, what is its form of implementation, what its total cost will be, and then to introduce this measure.

The Hon. D. H. L. Banfield: There's no guarantee that it will get the money the way you are talking.

The Hon. A. F. Kneebone: You know how much money you will get through the increased licence fees.

The Hon. C. M. HILL: The Minister will get the money and spend it, but the people are not satisfied with that. They want to know the plan, but that has not yet been announced.

The Hon. T. M. Casey: A plan has been announced about where the money will be spent.

The Hon. C. M. HILL: The plan is for the expenditure of $77,000. If the Minister wants further proof of that I quote from the Road Safety Council Quarterly Report from July 1, 1970, to September 30, 1970, under the heading "Driver-improvement programme", in which report Mr. Boykett stated:

Discussions were held with the Minister concerning the escalating road fatalities, with their accompanying high incidence of crashes and serious injury. It was concluded that driver education on a scale not previously undertaken appeared the most likely and positive approach to the problem. At the Minister's request, the council drew up an outline scheme for a large-scale driver-improvement programme directed particularly to the under-25 age groups. The metropolitan area would be served in the first stages with extension to the country on a planned progression as experience, material, and trained manpower became available. The first year cost was estimated at about $77,000.

That, obviously, is the plan to which the Minister has referred. I want to discuss the best possible action that may be taken to reduce the road toll, because I am as much concerned about it as anyone else is. I believe that I speak from a position of some strength in this matter, because the record of the previous Government concerned with road safety stands on the statistics that are available. In the calendar year 1968, we suffered what was then the record fatalities of 275. That is the situation that faced the previous Government at the beginning of 1969. However, for the full calendar year of 1969, the fatality rate dropped to 251 deaths: that was an 8.7 per cent reduction from the previous year and was the best reduction of any State in Australia.

The Hon. T. M. Casey: You are claiming credit for that?

The Hon. C. M. HILL: I am not claiming all the credit for it, but I think that that Government is entitled to have some of it.

The Hon. A. F. Kneebone: What percentage of the enormous increase in numbers this year occurred when your Government was in office?

The Hon. C. M. HILL: The figures increased during the time of our Government, particularly because of the single tragedy in which 17 people were killed at Wasleys.

The Hon. T. M. Casey: You are quoting figures to suit yourself.

The Hon. C. M. HILL: I quoted the 1969 figures as being the best result in Australia. In that year the South Australian ratio of fatalities was 61 for every 100,000 of the population, compared to an Australian ratio of 79. How was the programme approached in 1969, and how does it contrast with the little that has been done so far this calendar year? Certainly, maximum publicity was given. There was promotional work; there were the Christmas and Easter campaigns, and there was publicity about reflectorized number plates, which were under consideration. There was publicity about the points demerit scheme, which also was under consideration.

The Hon. R. C. DeGaris: It should have been in operation by now.

The Hon. C. M. HILL: It would have been in operation but for the Labor Government, which again played politics on the matter.

The Hon. Sir Norman Jude: What has happened about reflectorized number plates?

The Hon. C. M. HILL: I asked a question about that the other day, and they should have been brought into use in September of this year. There is no doubt they will reduce the number of accidents in this State, but I was told that the matter was still under consideration. The reply I received indicated that some other scheme was in the melting pot.

The Hon. A. F. Kneebone: Don't you have reflectorized number plates on your own two cars?

The Hon. C. M. HILL: I have not two cars (I leave that privilege to the Minister) and I have not reflectorized number plates on my own car.

The Hon. A. F. Kneebone: You should have them.

The Hon. C. M. HILL: If the Minister has them, at least that proves the point that they are worthwhile, but apparently the Government does not agree with the Minister.

The Hon. T. M. Casey: You don't agree, either.

The Hon. C. M. HILL: I am concerned not with my own car but with saving other people's lives. They were only the short-term plans of the previous Government during 1969.

Long-term plans were laid, too. I want to dwell for some time upon the long-term plans, which are and have been known to the present Government and which were laid to counter this problem of the road toll, which is, no doubt, one of the greatest problems facing modern society. It is not a problem that can be rectified by a rather panic-like measure such as the one before us, as I shall endeavour to prove as I go along. It will be rectified only in the long term with planning at great depth by experts.

The Hon. A. F. Kneebone: Don't you agree that driver education is the main thing?

The Hon. C. M. HILL: No. Driver education is only one facet of the problem. I am going back a little in the history of the problem as it affected the Government in 1969. The history indicates the depth and the extent of the science that is needed to rectify the present record of tragedies and fatalities on the road. In 1969 the number of reported road accidents had doubled over the previous 10 years. The Government of that day investigated in depth the steps that had already been taken in relation to accident prevention in South Australia (some of these had been taken during the Labor Party's rule between 1965 and 1968) and compared those with the measures that had been adopted elsewhere in Australia. Some of them are worthy of mention.

At Commonwealth level, a Senate Select Committee was set up in 1959 and reported in 1960 on the following aspects of road safety: road safety research, road safety education, traffic management laws and enforcement, accident reporting (statistics), driver training, driver licensing, speed limits, alcohol and driving, pedestrian control, vehicle inspection, 17-23 years age group, vehicle design and safety equipment, road design and construction, road safety in country areas, and the Australian Road Safety Council.

The committee consisted of nine Senators, who took evidence throughout Australia. The report of this committee was far-reaching in its conclusions, but its effect in practice had been limited as basically the responsibility of promoting road safety rests with the individual States.

At Commonwealth level, also, the Australian Transport Advisory Council set up the Committee on Driver Improvement, which produced a book called *Report on Policy and Procedures for the Promotion of Driver Improvement and Road Safety through Licensing and Enforcement.* This report was updated in 1965 and covered most aspects of driver licensing, driver improvement programmes and the reporting of road accidents. This Driver Improvement Committee consisted of and included members of the Australian Traffic Code Committee.

At Commonwealth level there were various standing committees (which touched on some aspects of road safety) including the Australian Road Safety Council, the Australian Road Traffic Code Committee, the Australian Motor Vehicles Standards Committee, and the Australian Motor Vehicles Design Advisory Panel. All of these committees reported to the Australian Transport Advisory Council and consisted of representatives from various State and Commonwealth Government bodies, as well as some segments of private industry.

At State level, the Tasmanian Government in 1965 set up a committee on Road Safety and Traffic Accidents. This committee consisted of the Crown Solicitor, the Traffic Superintendent, the Director of Orthopaedic Services, representatives of the Royal Automobile Club of Tasmania, the Tasmanian Road Safety Council and the State Highway Authority. This committee recommended 92 road safety measures in a public report but at that time I understood that these recommendations were not implemented to any extent.

The Australian Road Research Board had promoted research which led to the publication of *Traffic Accidents in Adelaide, South Australia.* This report covered the medical and engineering aspects of injury-producing accidents in metropolitan Adelaide. A research team consisting of a doctor and an engineer made on-the-spot investigations of 408 typical accidents. The project was directed by Professor J. S. Robertson, Department of Pathology, University of Adelaide, and recommendations were made with respect to various aspects of road safety.

Early in 1969, Victoria appointed a Parliamentary Joint Select Committee on Road Safety, which collected evidence on road safety in South Australia and elsewhere. The committee consisted of seven members of Parliament and it took evidence from a variety of road safety agencies in South Australia.

In South Australia, the following official bodies had direct responsibilties in the road safety field: the Police Department for enforcement, the Highways Department for construction of roads, the Road Safety Council for education campaigns, the Road Traffic Board for recommendation of laws and regulations, and the Registrar of Motor Vehicles for vehicle registration and driver licensing.

It appeared then to the Government that there was thus no single Government agency that had all aspects of road safety as its prime objective. Furthermore, the Government was in the difficult position that it was receiving recommendations from all of its Governmental agencies advocating the adoption of various safety measures, but there was no one single authority that could advise the Government on the relative priorities it should adopt in implementing these safety measures.

Accordingly, it set up a committee of inquiry under the chairmanship of Mr. P. G. Pak Poy, consulting traffic engineer, which was to advise the Government on all measures which, in the opinion of the committee, could and should be taken in order to improve standards of road safety and reduce the number of road accidents. The committee was instructed to recommend in order of priority and in a positive form whatever practical administrative and legislative action was considered would have the most beneficial effect.

The committee was a well-balanced one and comprised the following disciplines: traffic engineering—Mr. P. G. Pak Poy, consultant (Chairman); psychology—Professor A. T. Welford, University of Adelaide; law—Mr. S. J. Jacobs, Q.C.; medicine—Professor J. S. Robertson, University of Adelaide; mathematics—Professor R. B. Potts, University of Adelaide; vehicle manufacturer—Mr. R. L. Youds, Federal Chamber of Automotive Industries; road user organization—Mr. R. E. Theel, Royal Automobile Association; and insurance—Mr. B. J. Kalbfell, Fire & Accident Underwriters Association of South Australia. This committee was a non-governmental one, which allowed it to be unconstrained in its approach to the problem.

That committee—at long last at a State level—was going to consider in great depth the whole question of road safety. Its purpose was to collate all the reports that had been presented to that Government and to previous Governments and all the recommendations that had been made, many of which were still on the shelves because there had been no central collating authority.

The present Government carried on the work of this very senior and responsible committee, whose report, I believe, is now with the Government. I know the committee has completed its sittings. Considering the objects and the expense involved, I would have thought that the committee's recommendations would be the subject of the Government's first announcement in regard to road safety programmes in this State, but they were not. I assure the Government that the previous Government intended to act on the committee's recommendations.

The Hon. A. F. Kneebone: Irrespective of what they might be, and you would not know that!

The Hon. C. M. HILL: It would take much political courage to act on the recommendations in regard to reducing the number of road fatalities. However, if firm and courageous action at the political level is not taken we will never stop the upward trend in the curve in the graph showing road fatalities. Distasteful as some measures may be, they must be adopted by Governments if the problem is to be solved. However, we have not heard anything about the committee's report.

When the Minister replies to this debate, I hope he will say whether the report can be tabled. I and other members of Parliament are very anxious to see it. That report should be the basis of schemes for road safety. But what has the Government done? It has turned to the Road Safety Council. I have proved this by reading from the report of the council, in which the Chairman said that the Government was implementing a driver improvement programme that would cost $77,000. I have asked where the balance of the money will be spent.

The Government is pinning its faith on the Road Safety Council. I do not want my comments to be misunderstood in any way: I have a very high regard for the Road Safety Council and its members, including the Chairman, Mr. Boykett. Their function in connection with driver education is at the publicity level. Their general propaganda is directed to motorists, particularly younger motorists, and in this field they do an extremely good job. But are they capable of implementing "a massive and far-reaching programme of driver improvement"? I do not think they have the technical staff, and I know they do not have the scientific knowledge. They have not the resources to launch a major scheme that will be the supreme promotion to check this unfortunate trend.

I again stress that I am not criticizing them at a personal level. However, they are simply not equipped at the academic level that is necessary for a group to plan and implement a major scheme for road safety in this State. The general approach is, as the Minister said, for a far-reaching programme of driver

improvement that has been proposed by the council. The extent of the technical know-how and the depth of knowledge that are required when driver improvement is studied at the topmost level can be gauged by referring to the Report on Policy and Procedures for the Promotion of Driver Improvement and Road Safety through Licensing and Enforcement, which was issued by the Commonwealth Department of Shipping and Transport in December, 1965.

The report takes 45 pages and is a highly technical approach to this subject. Headings in the report include Licensing and Control of Professional Driving Instructors, Testing of Applicants for Drivers' Licences, Classification of Drivers' Licences, Learners and Learners' Permits, Probationary Licences, Maximum and Minimum Ages for Drivers, Exchange of Information between States, Surrender of Interstate Licences, Medical Fitness of Drivers, and Enforcement of Driving Rules. Under the last heading are the following sub-headings: Cancellation of Licences, Disqualification, etc., Minimum and Mandatory Penalties for Traffic Offences, Attendance of Police in Courts to give Evidence, "On the Spot" Penalty Notices, Service of Summonses, Proof of Previous Convictions, Production of Drivers' Licences, "Owner Onus" Procedures, Traffic Courts, Use of Scientific Aids for Traffic Enforcement, and Other Recommendations concerning Enforcement.

It is impossible for the Adelaide staff of the Road Safety Council, constituted as it is, to delve into this subject at such a depth. So, when we consider the proposal put forward by that well-meaning group and when we consider the committee that has completed the report I have referred to, we must surely conclude that a completely lopsided approach is being taken to the whole question. If the Government finds that the committee's report is a hot potato and prefers not to proceed with it, that is a decision that the Government makes. I can assure the Government that we have traffic scientists in this State who can make effective recommendations.. We have them in the Highways Department at the top level, on the Road Traffic Board, and in the Police Department and the Motor Vehicles Department. The Government should get together these senior officers if it wishes to implement the most effective plan for the expenditure of this money.

About $250,000 of the sum provided for will go through the Motor Vehicles Department back to the Treasury; this sum will be made up of amounts not exceeding 50c from each driver. The balance of the collections, making up the full $1 from motorists who have to pay the increase, will go in the usual way to the Highways Department. In his second reading explanation, the Minister, when referring to this amount, said:

> 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 improvements, 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.

I stress that point, because that is something that the motorists of this State should know. The Highways Fund is not short of money; yet, another $250,000 will be taken from the motorists and transferred to the fund. One of the purposes for which the money is required is stated to be the automatic railway crossing systems which, I take it, will include the flashing light systems as well.

During the previous Government's last financial year, the allocation for flashing light installations was increased to $150,000 which, at that time, was the absolute maximum that the Railways Commissioner could spend. The Commissioner spends this money (it is provided by the Highways Department) because it is his department that installs the lights at intersections and at crossings. It was only under extreme pressure that he was able to allocate the labour resources to spend this money. He was in dire need of his own skilled labour for this purpose to spend the $150,000.

While those negotiations were continuing, I was told by the Commissioner of Highways that his department had the funds in hand and that it was not a question of the lack of funds. However, I have now been told in replies to questions that, in this current financial year, about $191,000 has been allocated for flashing lights. I commend the Government for increasing the sum from what it was in the previous financial year but, again, I have no doubt that the money is in the fund and is available. I also have no doubt that if this money is found as a result of this legislation, the Railways Commissioner simply will not be able to do any more work with his labour resources.

He at least knows that a Labor Government will not permit private enterprise to go on the right-of-way to install these lights. So I submit that there is no need for more funds for this purpose. I am not implying that I am

opposed to an increased programme, but I have some background information on the subject. If one simply talks, as one can do fairly cheaply, and says, "I will get more money and install more flashing lights and more automatic railway crossing systems," I know it cannot be done because of the labour position in the Railways Department.

So where will this money go? It will simply be spent on the other roadworks, many of which can be grouped under the heading of "road safety", because any modern road is, in effect, a road safety measure. The more improved the roads become, the safer they become. That is why freeways are so safe. I should like further comment from the Minister regarding what, specifically, are the purposes for which this money is required. Posing the question whether there is a need, I seriously doubt whether this full increase in the fee ought to be applied to the 560,000 motorists in South Australia, as suggested in the Bill.

I believe we should have more details on where the money will be spent and of the plans the Government has in mind. Who are the Government's advisers in regard to this major road safety proposal, as described by the Minister, and what are their qualifications? Where is the major report that the senior committee has completed and presented to the Government? However, the immediate purpose of the expenditure of $77,000 is a proposal about which I have no serious quibble. The $77,000 could be found from the Budget; it is not a large sum of money, when one considers general allocations today.

I believe that when we start talking about $500,000, as the Minister did in the press, we should certainly know what are the Government's plans. I shall watch for these plans with great interest, and I believe that they should be released at the earliest opportunity, because it is the Government's clear responsibility to spend all the money it proposes to raise as a result of this measure in accordance with the plans which have been announced and which have stood the challenge of scrutiny both by Parliament and by the public.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 2386.)

The Hon. R. C. DeGARIS (Leader of the Opposition): As this Bill was on the House of Assembly Notice Paper for a long time, evidently the Government itself had some second thoughts about it. Over the last few years, there has been increasing pressure in the community for a greater degree of control over mining operations, particularly those in the quarrying industry. At the outset, I say that I believe the Victorian Parliament has approached this problem more sensibly than has any other State in Australia, for it has produced an Act of Parliament called the Extractive Industries Act that deals entirely with the quarrying industry.

I think that that legislation must appeal to everyone as the solution to the problem. The special legislation dealing with the quarrying industry in Victoria deserves close study, and I believe it should be implemented here. I am sure that most honourable members would be sympathetic to legislation designed to ensure that the extractive industries in this State can carry out their functions while at the same time some protection is afforded to our environment. I think most honourable members would agree that the quarrying industry differs in many respects from normal mining activity.

The Victorian Act separates these two operations, that is, the quarrying industry as one industry and mining operations as another industry. As I have indicated, my preference lies in the direction of dealing with these two operations separately. I reiterate that I support any reasonable legislation that can adequately cover these industries. However, I also emphasize that in my view the legislation before us is not the best approach, for I believe that there is a better method.

The quarrying industry in South Australia is a very large one and it is of considerable importance to the State. This State is singularly fortunate in many ways. It is fortunate, first, in having people involved in the quarrying industry who have a feeling for and a sympathy towards some control of their industry. It is also fortunate in that it has an industry that has been able to provide the necessary materials at prices which are cheaper (so I am told) than anywhere else in Australia. I think one can accept the fact that our costs in relation to housing and other forms of building, and the costs of our road construction, are closely associated with the supply of quality materials and, with regard to the metropolitan area, quality materials close to the city.

At present about 4,000,000 tons of materials is used annually by the various industries that use quarry material, so one can see that an

increase of $1 a ton in the cost of this material to the consumer would cost this State about $4,000,000 a year. Therefore, I believe that the economic factors in this matter cannot be overlooked. When one looks not only at overseas trends but also at the growth of the quarrying industry here in South Australia, one can predict that by the 1980's we will possibly require for our industries about 8,000,000 tons of this material a year. If our prediction that the population of the metropolitan area will increase to about 1,500,000 by 1990 is correct, there will be a big increase in demand, and this material will have to be quarried within a reasonable distance of the metropolitan area. Of course, quality material is not available everywhere in the State, and it is not available in all places close to the metropolitan area. I believe that the Linwood Quarry, which has been engaged in quarrying operations for more than 50 years, is the only source close to the metropolitan area of high-quality aggregate suitable for the bituminous surfaces of our roads.

I can remember not long ago attending a meeting and hearing the Legislative Council being blamed for the fact that no control could be exercised over the operations of the Linwood Quarry. I have no doubt that when this Bill is passed the Premier will be armed with all the power he requires to deal with that situation. However, there is no doubt that, if the material at Linwood is not used for the construction of bituminous surfaces, we will have to drag this material a long way into the metropolitan area for this purpose. I believe that the community cannot stand the cost of dragging this material 30 to 50 miles to the metropolitan area at a cost which, I understand, is not far off 10c a ton-mile. One can see the escalation of costs that could occur with an unsympathetic application of this legislation.

The legislation as it stands at present applies not only to quarrying but also to all other mining operations. It has application to all forms of mining, including opal mining in the Coober Pedy and Andamooka districts. I agree that there is a need to consider some control measures in this regard. As Minister of Mines in the previous Government, I looked closely at this question and was somewhat perturbed at the very rapid increase in activity in the use of bulldozers in the Coober Pedy and Andamooka districts. One must also bear in mind the economics of this situation. Whilst I agree that there must be some control measures, I believe that these measures should be as co-operative as possible, because adopting a dogmatic approach could spell the end of the industry as a result of the uneconomic situation that could develop. We need to watch the economics of the industry very closely.

The Chief Secretary, in his second reading explanation, said that the Bill was designed to protect the South Australian countryside from aesthetic detriment resulting from mining operations. I do not think anyone would object to the protection of our countryside from the result of mining operations. However, in looking at the Bill I am somewhat perturbed at the way the legislation has come before us. Clause 3 inserts a new subparagraph in section 10, which deals with the powers of an inspector under the Act. The inspector at present has power to do the following things: he may, without notice, enter, inspect and examine any mine; he may make an examination or inquiry to ascertain whether the mine complies with the provisions of this Act; and he may examine and inquire regarding the state and condition of any mine and of any machinery, the ventilation and the air of the mine, and all matters connected with the safety, health and well-being of persons employed. Also, he may examine any mining operations that are creating or are likely to create a nuisance or are damaging or likely to damage property. The new subparagraph provides:

The inspector may examine the effect of any mine, mining operation or practice, or operation or practice incidental or ancillary thereto, upon the amenity of any area or place.

After considering the dictionary definition of "amenity" I consider that the word has a wide meaning. The section is further amended by giving an inspector power to order cessation of any mining operation or practice, and this (as I understand it) can be done on the opinion of an inspector. If an inspector is satisfied that the mine is having an adverse effect on the amenity of an area he may close the mine or quarry.

Following this, the Bill provides for an appeal, so that the person affected by the cessation order may appeal to the Minister who then refers the matter to the advisory committee. Can the Minister say whether, after the inspector has made that cessation order and the owner of the quarry or mine

appeals against that decision, the work continues during the appeal or must it stop while the appeal is being heard? The Bill provides for the appointment of an advisory committee and it is the committee to which an appeal is presented. The committee having decided its attitude then advises the Minister, but the Minister, after considering this advice, may vary or revoke the order. This means that the Minister has absolute power to do what he likes on the advice of the inspector in the first place and later on the advice of the advisory committee. This is a somewhat unsatisfactory situation.

Clause 6 provides for regulation-making powers, but all this procedure can take place without regulations having been introduced. I believe that the industry should know where it is going, in the same way as does the Minister, and if there is a disagreement between the inspector and a proprietor of an industry the matter should go to appeal and if the owner is still dissatisfied he should be able to proceed further. However, as the Bill stands the person making all the decisions is the Minister. Nothing is laid down in black and white about what the position is, as is the case in the Victorian legislation. I suggest to the Chief Secretary that there should be legislation and regulations under the legislation so that all sections know exactly where they stand. A position could arise where one Minister might adopt a certain attitude towards the quarrying or mining industries: the Minister is changed, and the new one may have a different approach to the situation. This position would be unfair and unsatisfactory to the quarrying and mining industries. I support the second reading, but I shall have more to say in Committee.

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

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

I think I advanced a good argument last Thursday about this matter. I suggested that it was possible that the Labor Party could find itself with a majority of members in another place but not sufficient members in this Chamber to provide for three Ministers. The House of Assembly disagreed to this amendment because the amendment deprived that Chamber of the right to constitute a Government from those members who commanded majority support in that Chamber. Many people have suggested that this situation will not arise, but it is within the bounds of possibility that it could. If this amendment were included we could be prohibited from forming a Government. For those reasons I ask members not to insist on the amendment.

The Hon. Sir ARTHUR RYMILL: I agree with the Chief Secretary that he put up a good case and I thought he put up a moderate argument. However, I think that I put up a better one. That may be a matter of opinion, but it seems to me that there is not much difference between the Government's stand and the stand that I have taken with my amendment, which has been upheld, so far at least, by this Chamber. The reason given by the other place is rather apocryphal, because it would be practically impossible for the Labor Party not to have at least three members in this Chamber. Government supporters were claiming the other day that they were going to win Northern at the next election.

The Hon. A. J. Shard: That's not right.

The Hon. Sir ARTHUR RYMILL: That is the claim of the Labor Party.

The Hon. A. J. Shard: That could be just wishful thinking.

The Hon. T. M. Casey: That claim was on the basis of adult franchise for the Legislative Council.

The Hon. Sir ARTHUR RYMILL: It is virtually a compulsory vote that the Labor Party is insisting on for this Council, which is contrary to what the Constitution Act states. I would agree that it has a good chance in those two seats, and possibly one other as well. There is nothing much new in what the Chief Secretary has put up, because the fallacy he has pointed out already exists in the Constitution as it stands. At the moment it states that there shall be not more than nine members of the Cabinet, of whom not more than six shall be members of the Assembly. There is the fallacy because, if three cannot be appointed from this Council, it means that the Government, unless it amended the legislation (which I have no doubt it could easily do in those circumstances) would have to reduce its Cabinet in size, as the matter stands.

The Hon. T. M. Casey: That would not necessarily have to be accepted by this Council, would it?

The Hon. Sir ARTHUR RYMILL: No, but I draw the Minister's attention to the fact that, when the Labor Party for different reasons found itself in difficulty with committee appointments in 1965, this Council readily co-operated. The Chief Secretary will remember that. Just as the Labor Party says that we can rely on it to see that the situation I postulated will not occur, so do I think that the Labor Party, in turn, can rely on other honourable members of this Chamber in the event of the boot being on the other foot.

It seems to me a pity that apparently no attempt has been made to find words to solve this problem, which I believe should be solved. I am proposing to vote that we insist on our amendment. It seems to me that this is a problem that should be readily capable of solution with good draftsmanship, short of going to a conference. It is a pity that it seems we may have to go to a conference on something that I think could be readily solved. I repeat that I do not object to a Ministry of 10, if that is what the Government wants, and I think that view has been expressed by most members of this Chamber.

On the other hand, it seems that the Government says that in any ordinary circumstances it does not object to three members of that Ministry being members of the Legislative Council. There is nothing, therefore, between us except draftsmanship, as I see it. If the gloomy fears of the Labor Party are realized, surely words can be found so that in those circumstances the Constitution Act will provide for that. If the number of members required can be supplied by the Labor Party (and I see no earthly chance of it being otherwise) then surely any good draftsman can find words to express it in the Constitution Act. Of course, I do not know what happened in another place (we are not supposed to know what happens there) but, on the face of it, it seems that no attempt was made to solve this problem, which I think could easily be solved.

The Hon. A. J. SHARD: I have great respect for the honourable member's point of view on most things, but in this matter he has cited a case that is not according to fact. It is true that the present Constitution allows any number of Ministers not exceeding nine, but what will happen if there are only two Labor members in the Legislative Council? The Labor Party will then form a Government to sit in another place, with two Ministers from here. The Constitution provides for that.

The Hon. R. C. DeGaris: Or none from here.

The Hon. A. J. SHARD: It may be none. I do not know what will happen in this wider sphere but, if this amendment is persisted in and we have the numbers in another place and only two in this place, we cannot form a Government, because the Constitution will provide that three Ministers shall come from this place. That is the significant point. If I am misinterpreting my honourable friend, I am sorry, but that is the way I see it.

The Hon. Sir Norman Jude: You are always sincere in these things, but you do not seriously think you will be landed with only two members in the Legislative Council?

The Hon. A. J. SHARD: It can happen. One of the most brilliant members of the Labor Party was defeated—Mr. Fred Walsh. We may not win seats that people take for granted we will win. On that occasion, something happened; there was some sort of turmoil connected with sectarianism that blew up. We could in future have the numbers in another place but only two here, so we could not form a Government if this amendment was accepted.

The Hon. Sir Norman Jude: But you would not have had a Government in those days.

The Hon. A. J. SHARD: I am telling you that it could and did happen. If something blew up at a general election, we could be faced with that situation. Admittedly, it is a ten to one chance, but we do not want to put ourselves in that position where we cannot form a Government even though we have the numbers in another place. I invite my legal friends to examine the position closely. Let us assume that we accepted this amendment and the situation that has been referred to did occur. We could not do what we did in 1965, because the Constitution would prevent us. We did overcome the problem about appointments to committees in 1965 by introducing an amendment in this Chamber, but I venture to say that, if we got into a similar difficulty because of the Constitution of the State, we would have great difficulty in altering the Constitution quickly enough to be able to cope with such a position.

The Hon. F. J. Potter: Sir Arthur is suggesting that you alter it now.

The Hon. A. J. SHARD: He did not say that; he implied that but he said that if we got into that sort of position it could be overcome with co-operation. I am saying, with the greatest respect, that, whilst they are similar, they are two separate problems: one is governed by Statute and one is governed by the Constitution. That is our point. If there is some way out of it, please tell us. We have not found it so far. This matter has not been dealt with lightly because, as I have said previously, I knew that this was coming along and we discussed it fully. I hope I have put the matter clearly before honourable members and that they see my point of view. It is serious from the Labor Party's point of view, and I hope that this Committee will not insist on its amendment.

The Hon. Sir ARTHUR RYMILL: As I have said, it should be simple enough to find words to cover both points of view. There is nothing between us on what is happening or even on what is likely to happen: the only thing between us is on what could happen, and surely words can be found to cover that.

The Hon. C. M. Hill: Who should take the initiative? I think perhaps it should be you.

The Hon. Sir ARTHUR RYMILL: The position is that the Government introduced the Bill. I think my amendment is perfectly reasonable and I am prepared to stick to it. The fallacy mentioned by the Government already exists. Let us suppose that the Constitution says "The number of Ministers shall be 10" instead of "The number of Ministers of the Crown shall not exceed 10". If it said, "The number of Ministers shall be 10, of whom not more than seven shall be from the House of Assembly", that would equally fulfil my requirements but, of course, the same fallacy would exist as exists in the Bill and as exists in the Constitution at present. I repeat that this question could be solved and it seems to me to be a pity that, when we are so close to each other, we should be at arm's length because no-one is really trying hard enough to overcome the difficulty.

The Hon. R. C. DeGARIS: As the Hon. Sir Arthur Rymill has said, we deeply respect the way in which the Chief Secretary has approached this matter. However, the position he has postulated is almost exactly the same, irrespective of the question of Party politics. We have heard in this place statements that the Labor Party will win elections for the Northern, Midland, Southern and Central No. 1 Districts. So, the question of Party politics does not enter this matter in any way. Let us suppose that any Party that is in Government (the Chief Secretary referred to the Labor Party) does not have three members in this place. The Chief Secretary said that in that case it would be impossible to form a Government, but that is not correct. A Government could be formed with two Ministers or one Minister from this place.

The Hon. A. J. Shard: Under the present Constitution!

The Hon. R. C. DeGARIS: And under the amendment. Because seven tenths of the Ministers must be in the House of Assembly, if there are only two Ministers in this place, a Government could still be formed with Ministers in the House of Assembly, but the total number would be reduced. We are in the same position as we were in with statutory bodies (those we had difficulty with before), when this place approached the matter in a spirit of co-operation. The Bill provides that the number of Ministers shall not exceed 10, and the amendment says that there shall not be more than seven tenths of the Ministers in the House of Assembly. So, if there were two Ministers here, they would have to represent three tenths of the Ministry, and a Government could be formed with a certain number of Ministers in the Assembly. Then, if it was necessary to have more Ministers in the House of Assembly, a Bill to amend the Constitution could be introduced and it could be passed in this place. There should be some protection for Ministers in this place, and I believe that that is the reason why the amendment was moved. I assure the Chief Secretary that, irrespective of how many Ministers were available in this place, a Government could be formed. The amendment does not alter that position.

The Committee divided on the motion:

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

Noes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill (teller), V. G. Springett, and A. M. Whyte.

Majority of 9 for the Noes.

Motion thus negatived.

ADJOURNMENT

At 5.4 p.m. the Council adjourned until Wednesday, November 11, at 2.15 p.m.