LEGISLATIVE COUNCIL

Wednesday, November 11, 1970

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

QUESTIONS

COUNCIL ROAD FUNDS

The Hon. C. M. HILL: On October 29, I asked the Minister of Lands, representing the Minister of Roads and Transport, questions about local government. I asked:

What is the aggregated total proposed allocation of funds to all district councils throughout the State as recorded within the approved road programme for the current financial year; secondly, what were the comparable actual annual expenditures for the preceding six years?

I understand the Minister has a reply.

The Hon. A. F. KNEEBONE: The proposed allocation of road funds to councils for 1970-71 is $10,104,000. Expenditures for the previous six years were: 1964-65, $7,198,330; 1965-66, $7,997,879; 1966-67, $8,768,725; 1967-68, $7,357,389; 1968-69, $9,528,916; and 1969-70, $10,841,777.

WATER QUOTA

The Hon. L. R. HART: I seek leave to make a brief statement prior to asking a question of the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. L. R. HART: A constituent of mine who lives in the Two Wells area put his property on the market. A prospective buyer who inspected it then contacted the Mines Department to ascertain the position in relation to the water quota that was applicable to that property. The information he obtained from the department was to the effect that the underground basin would, within 20 years, be polluted with salt water, so it did not matter very much what the quota situation was. Is this advice being given with the full concurrence of the Government and, if so, on what information is it based?

The Hon. A. J. SHARD: Although I am not sure, I should think that the reply concerning the Government concurrence would be "No", but I will refer the question to my colleague and obtain a reply.

FRAUD SQUAD

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Chief Secretary in his role as Chief Secretary and also acting on behalf of the Attorney-General.

Leave granted.

The Hon. C. M. HILL: I refer to the announcement made a few days ago by the Attorney-General concerning the establishment of a new fraud squad. In the newspaper release he said that the squad would consist of people with legal and accounting skills and police officers. He also said:

I am convinced that the formation of an integrated and streamlined commercial fraud squad will be of great benefit in investigating commercial offences and frauds and, where appropriate, conducting prosecutions.

Can the Chief Secretary ascertain to whom these members of the Police Force included in this proposal will be responsible, and what changes will be necessary within the existing Police Department fraud squad and any other branches of the force to establish this new commercial fraud squad?

The Hon. A. J. SHARD: There have been some discussions on this particular matter. I understand that, when the squad was set up previously with members from the Police Force, they were responsible to the Attorney-General's Department. However, I prefer to obtain a considered reply for the honourable member.

PEDESTRIAN CROSSING

The Hon. D. H. L. BANFIELD: I seek leave to make a statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. D. H. L. BANFIELD: At knock-off time and starting time the employees of the abattoir at Pooraka find it difficult to cross the Main North Road because of the heavy volume of traffic on that road. We all know that this is a six-lane traffic highway, and these employees have often been involved in near accidents. As these employees are under the control of the Abattoirs Board and the Minister of Agriculture is in charge of that department, will he ascertain whether a pedestrian crossing can be placed outside the abattoir for the safety of these employees?

The Hon. T. M. CASEY: Yes. I must confess that what the honourable member has said about the Main North Road being a busy road is correct, as honourable members who travel to the North of the State will realize. I have travelled on that road many hundreds of times, and have often wondered why some precaution was not taken in the way suggested by the honourable member in order to help people who wish to cross the road. I shall be pleased to ascertain whether the Minister of Roads and Transport can do something along these lines.

EMERGENCY EXITS

The Hon. V. G. SPRINGETT: Bearing in mind the recent tragedy in France where many lives were lost in a fire at a dance hall, is the Chief Secretary satisfied that arrangements in South Australia concerning emergency exits in buildings in the metropolitan district of Adelaide are satisfactory?

The Hon. A. J. SHARD: Although the department is not under my control now, I had many problems previously and had to close several places. From my personal observations many of these exits are not as satisfactory as they should be, but I shall obtain the information from the Attorney-General, who now controls places of public entertainment.

PLANNING AND DEVELOPMENT ACT REGULATIONS

Adjourned debate on the motion of the Hon. H. K. Kemp:

That the regulations under the Planning and Development Act, 1966-1969, made on June 18, 1970, and laid on the table of this Council on July 14, 1970, be disallowed.

(Continued from November 4. Page 2316.)

The Hon. M. B. DAWKINS (Midland): Although I support the motion, I do not do so in any negative manner. I do not wish to deny for one moment the dangers arising from pollution and the need for some sort of control, but I consider that the regulations—in the light of the evidence on them, which I have examined—do not meet the case and that those regulations should be withdrawn and redrafted. The Hon. Mr. Kemp said that it was not changes in agricultural practice that were causing most of the pollution that concerned the Government and the authorities; rather, it was the urban development in the Adelaide Hills. The honourable gentleman said that the farming population is, as we are all well aware, declining rather than increasing. The odd request that is made for a subdivision of agricultural or horticultural land (such as a request by the son of a farmer to have an acre divided from the rest of the property so that he can build a house) does not really aggravate the problem at all. When regulations make it difficult for country people to do such things, those regulations must be regarded as unduly restrictive.

In the Midland District, as now constituted, people have mentioned these problems to me. The Hon. Mr. Kemp referred to families that needed to make this sort of adjustment, and similar cases have occurred in my district as well as in the Southern District. I agree with the honourable gentleman that pollution occurs largely as a result of urban development in the Adelaide Hills and as a result of septic tanks overflowing. There seems to be seepage into streams in the winter time, when the ground becomes saturated. Having had experience with septic tanks on my own property, I know how often they have to be pumped out, and when there is nowhere for the effluent to go except into streams, some pollution must occur. What the honourable gentleman said in that connection is correct. These regulations could cause hardship to landholders as a result of leading to devaluation of their properties.

The Midland District is involved in this matter, particularly those portions that were previously in Southern District and some portions immediately adjacent thereto—mostly in the House of Assembly District of Kavel. The Hon. Mr. Story referred to the confusion that could occur in the situation as we have it. We have inspectors from the councils and we have other inspectors from the Engineering and Water Supply Department and the town planning authorities, and I think probably it would be no exaggeration to say that there is a complete lack of liaison between these inspectors. Also, there are different standards of inspection and different standards of inspectors. I have been told that, whilst some inspectors are duly qualified as health inspectors, other inspectors seem to have very little qualification at all.

I have also had drawn to my attention the fact that for some considerable time the Woods and Forests Department has been buying large parcels of land in the watershed area. Of course, considerable pine planting has taken place in those sections that the department has purchased. I have been told that some discolouration could occur through the water coming into contact with the pine needles and the sticky gum substance that comes with those needles. Although I question whether that is true, it is certainly a possibility.

I do lodge my protest and support the motion for the disallowance of these regulations as they stand. I emphasize once again that I believe that urban development in the Adelaide Hills is the main problem. The Hon. Mr. Story also drew attention to sections 56 to 58 of the Waterworks Act, and I believe he said that in his opinion these regulations should be made under that Act instead of under the Planning and Development Act. I have already referred to different inspectors involved. The Hon. Mr. Story drew a picture which I do not think was exaggerated when he said that in addition to the inspectors already mentioned, in certain

circumstances the Minister of Lands and even the Minister of Irrigation could be involved. If that could happen, the position would certainly be most frustrating.

I do not wish to under-estimate the effects of pollution and the need to control it, and it is not because I do not wish to see it controlled that I am supporting the motion. I believe that pollution is a great problem and that it will become increasingly so. Therefore, it should be guarded against in every possible way. However, I believe that these regulations should be redrafted and possibly, as I believe the Hon. Mr. Story said, made regulations under the Waterworks Act.

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

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Second reading.

The Hon. D. H. L. BANFIELD (Central No. 1): I move:

That this Bill be now read a second time.

It is a simple and, I hope, non-controversial measure designed to prohibit a form of cruelty that is of a completely unnecessary nature existing in this State. The Bill seeks to make the use of what is commonly known as a gin trap illegal in municipal areas throughout the State. Clause 2 amends section 4 of the principal Act by inserting immediately after the definition of "ill-treat" the following definition:

"trap" means any device equipped with spring-loaded jaws for seizing an animal by its leg, tail or snout, but does not include a rat trap or mouse trap:

Clause 3 enacts and inserts in the principal Act immediately after section 5b thereof the offence and the penalty, and subclause (2) restricts the provisions of the Act to any municipality. During the past 10 months, 23 cases have been investigated where cats have been caught in gin traps set by suburban householders. The reasons for setting these traps are mainly: (*a*) for the protection of valuable birds (that is, racing pigeons); and (*b*) for the protection of the householder's garden surrounds.

The reason that is usually given is that the householder is attempting to rid his property of rats. The most efficient way of doing this is by use of poison, which can be procured from the local council free of charge. The poison used, which is issued by the council free, is a compound that affects the blood and has a cumulative effect resulting in death. It is a reasonably humane process. Furthermore, there can be no objection to the use of rat traps, which break the back of the rat when trapped, although these should be placed so that they will not accidentally trap children and domestic pets. A piece of chicken wire over them is usually sufficient. There is no doubt that an aviary or pigeon loft can be made cat-proof with the exercise of a little imagination.

The injuries caused by an animal being trapped by the leg in a gin trap initially are severe and cause intense pain. Extensive bruising, broken bones and severed tendons and nerves are found on the leg where the jaws of the trap close around it. Additional injuries are caused through the animal, particularly a cat, having been caught by the leg, going berserk in its struggles to free itself, and tearing the flesh, sinews and tendons of the leg. Within four hours of damaging the leg, the wound often becomes flyblown and gangrenous. If the animal is released within 24 hours of being caught, the leg can be amputated, depending on the extent of gangrene found. If the animal is not released, it dies in agony.

Details of 23 cases were reported to the Royal Society for the Prevention of Cruelty to Animals and investigated between January 1, 1970, and October 31, 1970. More often than not cases are not reported to the society as the owners of the traps do not publicize the fact when they catch any animal, and many animals drag the trap into the bush and cannot be found. The Animal Welfare League reports that it has knowledge of 40 cases of domestic pets being caught in gin traps over the past 10 months. It would be reasonable to assume that the actual number of cases that occur runs into hundreds. The legal position on the use of these traps is that, at present, they can be used by any person in all areas. Legal action can be taken only if it can be proven that the setter of the trap was aware that an animal had been caught in it and made no attempt to put the animal out of its suffering within a reasonable length of time. This is extremely difficult to prove in court, although in a large number of cases traps are set and then ignored by the setter.

There is no intention of depriving any householder of the right to protect his property, but it is considered that the use of the gin trap is inefficient and cruel. The householder can protect his property in many more efficient ways, and there is no justification for the setting of traps in urban areas. I have a purely statistical table showing the number of animals caught in gin traps between January 1, 1970, and October 31, 1970. I ask permission to have it incorporated in *Hansard* without my reading it.

Leave granted.

ANIMALS CAUGHT IN GIN TRAPS

Serial	Animal	Date caught	Area	Time estimated spent alive in trap	Injuries	Disposal of animal
1.	Cat	January 5, 1970	Sefton Park	Overnight	No apparent injuries	Cat released
2.	Cat	January 23, 1970	Pennington	2 days	Severed leg	Destroyed and buried on premises
3.	Cat	January 30, 1970	Edwardstown	Overnight	Paw bruised and swollen	Veterinary treatment, retained by owner
4.	Cat	February 3, 1970	Prospect	2 days	Paw bruised and lacerated	Veterinary treatment, returned to owner
5.	Cat	February 3, 1970	Glandore	7 days	Hind leg stripped of flesh	Destroyed
6.	2 Cats	March 18, 1970	Northfield	?	Person setting traps caught cats and then killed them	
7.	Cat	April 6, 1970	Forestville	?	?	Released and returned to owner by person setting trap
8.	Cat	May 7, 1970	Unley Park	2-3 days	Severe leg injury, gangrene	Destroyed—Subject letter 28/8
9.	Lamb	May 8, 1970	Christies Downs	?	Minor leg injuries	Kept by Honorary Inspector, Southern Branch, R.S.P.C.A.
10.	Cat	May 10, 1970	Findon	24 hours	No severe injuries	Cat rescued from trap. Returned to owner
11.	Dog	May 17, 1970	Cheltenham	2 hours	No severe injuries	Dog released and taken to veterinary by owner
12.	Cat	June 5, 1970	Plympton	2 days	Severe leg injuries	Cat destroyed
13.	Cat	May 22, 1970	Riverton	2 days	Severe leg injuries	Veterinary amputated leg
14.	Cat	June 4, 1970	Gawler	? days	Severe	Veterinary destroyed cat
15.	Cat	June 10, 1970	Pooraka	? days	Flesh torn, leg bone exposed	Cat destroyed
16.	Cat	June 15, 1970	Clearview	2 days	Badly injured front leg	Cat destroyed
17.	Dog	July 1, 1970	Kilkenny	15 minutes	No severe injuries	Returned to owner, received veterinary treatment
18.	Cat	July 2, 1970	Kingswood	?	No apparent injuries	Released
19.	Cat	August 17, 1970	Seaton	?	?	Unable to locate cat
20.	Cat	August 19, 1970	Magill	?	Severe laceration of leg	Cat taken to veterinary by owner, destroyed
21.	Cat	August 20, 1970	Fullarton	3 days	Severe	Cat killed in trap
22.	Cat	September 18, 1970	Enfield	3 days	Front leg severely injured	Cat destroyed
23.	Crow	October 5, 1970	Tea Tree Gully	?	?	Person setting traps destroyed bird after trapping it

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

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

Second reading.

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

That this Bill be now read a second time.

The present company of D. & J. Fowler Limited had its origins in a partnership that was formed in Adelaide in 1854. The company has been through many vicissitudes in the 116 years since then, and today, with interests throughout Australia and a subsidiary in the United Kingdom, it bears little resemblance to the retail store which opened in King William Street on November 30, 1854. Today it ranks as one of the few century-old South Australian enterprises that is still surviving as a healthy and progressive company. Its early growth led to the establishment of its own buying office in London in 1864. When it was necessary to become a public company in 1899, it was incorporated in the United Kingdom, as was usual in those days for a company with interests in both London and Australia. This arrangement proved satisfactory until the Australian business outgrew that of the United Kingdom and, as company and taxation legislation became more and more involved, it was found difficult and time-consuming to comply with both Australian and United Kingdom laws.

The situation was eased somewhat when in 1959 D. & J. Fowler (Australia) Limited was incorporated in the United Kingdom as a wholly-owned subsidiary. This decision was made to take advantage of the provisions of the United Kingdom Finance Act, 1957, which provided that companies such as D. & J. Fowler Limited could form "oversea trading corporations" as subsidiary companies and be taxed only in the country in which they operated. The new company took over all manufacturing and trading in Australia and became the main operating subsidiary. The original company, D. & J. Fowler Limited, thus was left as the parent or holding company of the group.

In 1968 the parent company was able to obtain the consent of the United Kingdom Treasury to transfer the "residence" of both itself and D. & J. Fowler (Australia) Limited to South Australia. This brought them both, for taxation purposes only, under the jurisdiction of the Australian authorities. The position now is that the head office of both companies is in Adelaide. They are controlled in Australia, taxed in Australia, and all directors are resident in Australia, the majority being in Adelaide. Whilst these moves have gone part of the way towards making the companies completely Australian, in that they transferred their legal "residence" to Australia, they still left them as legally "domiciled" (that is, incorporated) in the United Kingdom. The purpose of this Bill is, therefore, to make the companies completely Australian. The food industry in Australia is characterized by the presence of a number of large international operators and, in order to compete with these massive companies, neither D. & J. Fowler Limited nor its subsidiary company, D. & J. Fowler (Australia) Limited, should be at any avoidable disadvantage.

The parent company owns all the fixed assets and investments of the group, of which over 90 per cent are situated in Australia. It is interesting to note that, whilst 90 per cent of the preference shares in the parent company are on its United Kingdom share register, 72½ per cent of the ordinary shares are on the South Australian register. It is this risk capital that has provided, and will continue to provide, growth and development for the future. Through its subsidiary and associate companies, the group's influence now extends throughout Australia, and also back into the United Kingdom, where it has a wholly-owned subsidiary company. The directors of the companies believe that they will continue to grow and to take an active part in the development of the State only if the companies can be made completely Australian. Although managerial control is now exercised throughout the group from its head office in Adelaide, this control is still unnecessarily complicated. A typical disadvantage of being incorporated in the United Kingdom is that the companies are prevented from qualifying for Commonwealth research and development grants, despite the fact that all factories and laboratories are in Australia, and none are in England.

The companies' solicitors acting in consultation with solicitors and Parliamentary agents in London reached the conclusion that the best method of making them completely South Australian companies, and thereby removing these constraints, would be to bring down Bills in the House of Commons and in the South Australian House of Assembly, which would have the effect of changing their place of legal incorporation from the United Kingdom to South Australia. The Companies Act

of this State does not provide any machinery for such a move. There are, however, precedents for this procedure. The Zinc Corporation Limited in 1961 and the Shell Company of Australia Limited in 1963 moved from the United Kingdom to Victoria, and also in 1963 British Petroleum Refinery (Kwinana) Limited moved to Western Australia. In each case the British Parliament and the appropriate State Parliament passed special Acts to permit the change.

In New South Wales the Companies (Transfer of Domicile) Act, 1968, permits a company, provided it is so authorized by the laws of the place of its incorporation, to become incorporated in New South Wales upon complying with the provisions of the Act. The two Fowler companies could register in New South Wales under that Act, subject to the passing of an enabling Act in the United Kingdom, but they have strong historical and other ties with South Australia and would much prefer to become South Australian incorporated companies.

The provisions of the Bill are as follows: Clause 1 sets out the title to the new Act. Clause 2 contains two definitions that are self-explanatory. Clause 3 is the operative provision of the principal Act. Subclause (1) provides that, when either of the companies has been authorized by the law of the United Kingdom to become a company incorporated under the law of this State, it may lodge a copy of its memorandum and articles and various other formal documents with the Registrar of Companies with a view to becoming incorporated pursuant to the South Australian Companies Act. Subclause (2) requires that these documents be verified by statutory declaration. Subclause (3) requires the Registrar, upon receiving the documents lodged under subclause (1), to issue certificates of incorporation, whereupon the companies shall become companies duly incorporated under our Companies Act. Subclause (4) provides that the certificate of incorporation is to be conclusive evidence of the due incorporation of the companies. Subclause (5) provides that the incorporation of the companies pursuant to the law of this State shall not affect the identity or juristic capacity of either company. Subclause (6) provides that a fee of $800 shall be payable in respect of the incorporation of D. & J. Fowler Limited and a fee of $300 shall be payable in respect of the incorporation of D. & J. Fowler (Australia) Limited. These fees are in line with those normally charged under the Companies Act. Subclause (7) provides that the provisions of the Companies Act shall apply to the companies with such modifications as are necessary in view of the pre-existing incorporated character of the companies and the provisions of the new Act.

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

HIGHWAYS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the principal Act in two respects: (*a*) it considerably enlarges the purposes for which expenditure may be incurred against the Highways Fund; and (*b*) it extends the powers of the Commissioner in relation to road planning and research.

Clause 1 is formal. Clause 2 amends section 20a of the principal Act, which deals with the acquisition of land by the Commissioner of Highways. In substance, it permits the Commissioner, subject to the approval of the Minister, to acquire land for any purpose which is necessary or desirable to facilitate any scheme of road construction that may be undertaken by the Commissioner in the future.

Clause 3 deals with the acquisition of land by the Commissioner in what are known as "hardship cases"—that is, cases where property values are adversely affected by proposed road development plans. Experience has shown that this adverse effect continues notwithstanding the fact that the proposals may have been deferred or modified. The substance of the provision appears as proposed new section 20ba, which is self-explanatory. Proposed subsection (1) enables the Minister to grant a certificate in respect of land and makes it clear that the grant is at the discretion of the Minister. Proposed subsection (2) sets out the matters in relation to which the Minister must be satisfied before he grants the certificate. Proposed subsection (3) provides that once a certificate is granted the Commissioner shall acquire the land and the Commissioner's ordinary powers of acquisition may be used for this purpose.

Clause 5 is consequential upon the amendments effected by clause 7. Clause 4 re-enacts section 23 of the principal Act and gives the Commissioner an additional power to undertake road planning and research. The scope

of this power is indicated at new subsection (2). The enactment of this provision should ensure that this State can take full advantage of any Commonwealth assistance that may be provided for road planning and research. Clause 6 amends section 31 of the principal Act, which relates to payments to the Highways Fund and is consequential on the amendments proposed by clause 7. Clause 7 amends section 32 of the principal Act. The amendments proposed by paragraphs (*a*) and (*b*) in common with the amendments proposed by clauses 4 and 7 are to deal with the situation created by the Commonwealth Aid Roads Act, 1969, of the Commonwealth, which provides Commonwealth funds for road purposes in this State.

Under this Act the Commonwealth grant can now be expended only on the operations and categories of roads specified therein. In order to ensure that a balanced programme of operations and road construction in this State is continued, it is necessary to provide for expenditure from the Highways Fund in areas in which Commonwealth funds may not be expended. Proposed new paragraphs (*i*) and (*j*), set out as amendment (*c*) in this clause, will enable the Highways Fund to receive relatively short-term loans to deal with demands that may vary from year to year thus spreading the burden of these demands more evenly. Thus, paragraph (*j*) provides for assistance in rehousing of persons dispossessed of housing as a consequence of works carried out or proposed to be carried out by the Commissioner. Since the amounts required for expenditure of this nature would vary from year to year, funds to satisfy this expenditure could be provided by relatively short-term loans.

Proposed new paragraph (*k*) merely provides that amounts already paid out of special appropriations for the purchase of land in cases similar to those mentioned in relation to clause 3 can be recouped from the Highways Fund. Proposed new paragraph (*l*) will authorize release from the Highways Fund of portion of the revenue that will accrue to it from the increase in certain licence fees, and the revenue so released will be available to be appropriated for road safety. Clause 8 repeals section 33 of the principal Act, which is no longer appropriate and is consequential on the enlarged area of expenditure from the Highways Fund.

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

BUILDING BILL

Second reading.

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

That this Bill be now read a second time.

Its purpose is to provide a new code to regulate building work and practices in this State. South Australia is, indeed, the only State to have a separate Building Act. Other States have enabling legislation, usually contained in their Local Government Acts, with a major part of the regulatory provisions being contained within building by-laws or regulations.

While our Building Act, which first came into operation in 1923, has been amended to some extent, there is widespread concern among manufacturers of building materials, builders, architects, and councils regarding the present state of the Act. There is urgent need for complete revision and updating, and for the introduction of a system of administration that can be readily adapted to changing methods of construction and new materials.

The Building Act Advisory Committee, established under section 98a of the present Act, has therefore been engaged over the past few years on the consideration of new provisions to form the basis of a new revised Act. This committee consists of Mr. S. B. Hart (Chairman), Mr. T. A. Farrent, Mr. H. E. S. Melbourne, Mr. R. J. Nurse, Mr. S. Ralph and Mr. K. A. R. Short. The Secretary is Mr. W. A. Phillips. The Government places on record its appreciation of the excellent work that these gentlemen have performed, and continue to perform, in assisting the Government and local government to ensure proper regulation of building methods and practice.

It is appropriate that action should be taken at this time, because of the moves at present in progress throughout Australia for the preparation of a uniform building code. The Ministers of Local Government of the various States, at their annual meeting in 1964, agreed to establish an interstate standing committee to prepare an Australian uniform building code. South Australia has two representatives on the committee, who report back to our own State committee. One of the South Australian representatives, Mr. T. A. Farrent, a former Dean of the Faculty of Engineering at the University of Adelaide, became Chairman of the interstate committee in 1969. The interstate committee is preparing an Australian model uniform building code. It is envisaged

that each State will adopt the code with a minimum of alteration to meet local needs.

The new code, at present in course of finalization by the interstate committee, is in a form that can be readily adopted by most of the States. It cannot, however, be incorporated into South Australia's present Building Act, because it is based upon a classification of buildings that is completely foreign to the provisions of that Act. The code groups buildings into 10 classifications and specifies various requirements for each class. The committee has recommended that a complete rewriting of building legislation should take place, taking advantage of the interstate committee's findings where they are available. The committee has recommended that the legislation be enacted in a flexible form so that advantage may be taken of any new findings made by the interstate committee as soon as they become available.

This Bill contains provisions relating broadly to the administration and enforcement of proper building requirements. The detailed requirements, which will establish the standards to which buildings and building work must conform, will be established by regulation, in which form they may be more easily amended as changes are made in the nature of building materials and in building science and practices. The provisions of the Bill relate, for example, to the areas of the State to which the Act will apply, the administration of the Act by local government, the powers and duties of building surveyors and building inspectors, the adjudication of building disputes by building referees, the function of the Building Act Advisory Committee, and similar matters. Thus the Bill will seek to establish the framework of administrative and legislative machinery, while the regulations will relate to the technical details of building construction.

One major change that the committee has suggested is that the new Act should apply to all parts of the State where local government operates. Councils are given, pursuant to the provisions of the Bill, the opportunity to seek exemption from exercising control over particular classes of buildings in the whole or any part of their areas. Indeed, in view of this extension of the operation of the Act, the Governor is given a wide discretion to declare that the Act shall not apply to, or modify the operation of the Act, in any local government area, or portion of an area.

The ambit of the new legislation has been confined more or less to prescribing minimum standards for structural, health, and safety aspects of building construction. Before the introduction of the Planning and Development Act, inadequate town planning legislation had necessitated the inclusion in the Building Act of provisions for matters that lie more appropriately in the field of town planning. The committee has recommended, for example, that Part XII of the present Act relating to architectural standards should not be reintroduced in the Bill. The Bill does, however, retain certain effectual powers that enable a council to prevent the amenity of an area from being destroyed by building work in instances where the nature of the building work and its effect upon its environment is closely interrelated.

The provisions of the Bill are as follows. Clause 1 sets out the short title of the Act. Clause 2 provides that the Act shall come into operation on a date to be fixed by proclamation. This will enable time to be given for the finalization of the regulations to be brought into force under the Act. Clause 3 sets out the manner in which the provisions of the Act are arranged. Clause 4 repeals the Building Act, 1923-1965.

Clause 5 deals with the application of the Act. Subsection (1) provides that, subject to subsection (2), the provisions of the Act shall apply throughout each local government area. Subsection (2) provides that the Governor may modify the operation of the Act by proclaiming that the Act shall not apply within an area or portion of an area specified in the proclamation; that any specified portion of the Act shall not apply within an area or portion of an area specified in the proclamation; or that the Act, or any specified portion of the Act, shall not apply in respect of any specified buildings, or class of building, within an area or portion of an area specified in the proclamation.

Clause 6 sets out various definitions that are necessary for the purposes of the Act. The most important of these is the definition of "building work", which means work in the nature of the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure; the making of any excavation, or filling for, or incidental to, the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure; or any other work that may be prescribed. The definition does not, however, include work of a kind declared by regulation

not to be building work for the purposes of this Act. This will enable various kinds of minor building and structural alteration to be excluded from the operation of the Act.

Clause 7 consists of various transitional provisions that are necessary in view of the enactment of a new system of law in connection with buildings and building work. A building that was lawfully erected, constructed or altered pursuant to the law of this State as it existed at the time of that erection, construction, or alteration shall be deemed to conform to the new Act. Building work for which approval has been given under the old Act may be completed subject to the provisions of that Act. Building work altering a building or structure erected before the commencement of the new Act must conform to the provisions of the new Act, except that, where the general safety and structural standard of a building would not be impaired thereby, the council may permit the building work to be carried out otherwise than in conformity with the new Act. Clause 8 deals with an application for the approval of building work. It provides that the owner of any land upon which building work is to be performed must, before the commencement of the building work, submit to the council for approval, plans, drawings, and specifications of the building work.

Clause 9 requires the council to obtain a report from the building surveyor on the plans, drawings and specifications. New subsection (2) requires the council, subject to the provisions of the new Act, to approve any proposed building work that conforms to the provisions of the Act. If, however, the council is of the opinion that the proposed building work will adversely affect the local environment within which the building work is proposed, it may, notwithstanding that the building work complies with the provisions of the Act, refer the plans, drawings and specifications to referees. If the referees determine that the building work would adversely affect the environment within which the building work is proposed, the council may then refuse to approve the building work. A determination of referees under this clause is subject to appeal to the Planning Appeal Board. The clause also provides for modification of plans, drawings and specifications at the instigation of the building owner and provides that approval of building work shall become void if it is not commenced within 12 months after the day on which the approval was given.

Clause 10 sets out various penalties for the illegal performance of building work. Subclause (1) provides that a person shall not begin, or proceed to perform, any building work unless it has been approved in accordance with the Act. Subclause (2) requires that the building work be performed in accordance with plans, drawings and specifications approved under the Act. Subclause (3) requires that the building work be performed in conformity with the requirements of the Act. Subclause (4) prevents a person from selling, leasing or disposing of portion of the site of a building without the approval of the council where in consequence the site would be rendered inappropriate to the building. Clause 11 enables the council to require a person to desist from the illegal performance of building work. Clause 12 provides that, where building work has to be performed by reason of an emergency, the owner must serve notice of the building work upon the council as soon as practicable.

Clause 13 provides for the classification of a building and prevents the use of a building otherwise than in accordance with its classification. Clause 14 provides for the appointment of building surveyors. Clause 15 provides that building work is subject to supervision of the building surveyor. Clause 16 gives the surveyor the power to enter any land or premises for the purpose of ascertaining whether the provisions of the Act are being complied with. Clause 17 enables the surveyor to serve notice upon any person by whom building work has been illegally performed requiring him to make good deficiencies in the building work and bring it into conformity with the provisions of the Act.

Clause 18 provides that, if a notice of irregularity is not complied with, the court may empower the surveyor to enter upon land or premises and bring any building, structure or building work into conformity with the provisions of the Act. Clause 19 empowers the council to delegate certain powers of a building surveyor to some other officers of the council. Clause 20 provides for the appointment of a panel of referees in respect of each area consisting of one or more persons appointed by the Minister and one or more persons appointed by the council. Clause 21 provides that a referee shall not act in any matter in which he is personally interested. Clause 22 invests referees with the powers of arbitrators under the Arbitration Act. Clause 23 provides that the hearing of proceedings by referees under the new Act must commence wherever practicable within 14 days of the institution of proceedings.

Clause 24 sets out the jurisdiction of referees. It provides that they shall have jurisdiction where any difference arises as to any act done or to be done in pursuance of the Act; the effect of any provision of the Act in certain circumstances; the manner in which the provisions of the Act are, or ought to be, carried into effect; whether the requirements of the Act have been satisfied in a particular case; or what is necessary for the satisfaction of those particular requirements; the proportion or amount of the expense to be borne by the respective owners of premises separated or divided by a party wall; or any other matter. Clause 25 provides that, where the referees are not in agreement, they may refer their disagreement to an umpire for final determination. Clause 26 provides that the functions of referees may, with the consent of all parties, be performed by a single referee.

Clause 27 provides that an application may be made to referees claiming that any provision of the Act is inapplicable or inappropriate to a particular building work; that the operation of any provision of this Act would adversely and unnecessarily affect the conduct of business; or that the adoption of some specified modification to the provisions of the Act so far as they relate to the particular building work would achieve the objects of the Act as effectually as, or more effectually than, if they were not so modified. If after consideration of the matter by the surveyor and the referees they are of the opinion that modification of the requirements of the Act is justified in a particular instance, they may make a determination to that effect, and the provisions of the Act will be modified accordingly.

Clause 28 provides that, if a party to any matter for determination by referees fails to appear at the hearing of the matter, the referees may proceed in his absence. Subclause (2) provides that the authority of referees is revocable only with the consent of all parties Clause 29 requires the referees to keep proper minutes of all their proceedings and to send certified copies to the clerk and the Minister. Clause 30 provides that a determination of referees shall, subject to the Act, be binding and conclusive and may, by leave of a judge of the Supreme Court, be enforced in the same manner as a judgment of that court. Clause 31 provides for the payment of fees to referees. Clause 32 provides for payment to the council of fees in respect of the matter referred to referees for determination. Clause 33 requires a referee to make a declaration to his impartiality before he first commences to act as a referee.

Clause 34 empowers the surveyor, if he has reasonable cause to suspect that any excavation, building or structure in the area is in a dangerous, ruinous, dilapidated or neglected condition, to make a survey or inspection thereof. Clause 35 empowers the surveyor to serve a notice of defect upon the owner of any dangerous, ruinous or neglected excavation, building or structure, requiring him to carry out building work specified in the notice. The surveyor may also require loading to be removed from an overloaded building. Clause 36 enables the owner, if he disputes the propriety of any requisition contained in a notice served under the preceding section, to apply to referees to have the requisition contained in the notice varied or struck out. Clause 37 empowers the court to order that persons be removed from a building or structure that is unsafe.

Clause 38 empowers the surveyor to require the owner of a building or structure that does not conform with the provisions of the Act to bring it into conformity with those provisions, or to demolish it. Clause 39 empowers the council, if it is of the opinion that a building or structure affects seriously and adversely the health or amenity of the local environment within which it is situated, to apply to referees for a determination under the clause. If the referees are satisfied that in fact the building or structure does adversely affect the health or amenity of its local environment, they may determine that building work specified in the determination be carried out in relation to the building or structure. If the owner does not carry out that building work, the council may itself have it carried out, whereupon the owner shall be liable for any expenses incurred by the council. Clause 40 empowers the owner, with the consent of an adjoining owner, to build a party wall on the line of junction between adjoining properties.

Clause 41 sets out various rights of repair and improvement of a party wall, and provides for an equitable sharing of expenses by the two owners. Clause 42 gives the building owner various rights of entry upon the land or premises of the adjoining owner for the purpose of carrying out building work in conformity with the preceding sections. Clause 43 provides for the determination and recovery of contributions by an adjoining owner in respect of work carried out by the building owner. Clause 44

provides that where the council is invested with a discretion to approve or consent to any act, matter or thing, it may give its consent subject to reasonable conditions. Clause 45 empowers the council to delegate to a committee of its members or to any of its officers such of its powers and duties under the Act as it thinks fit. Clause 46 provides that the moneys recovered by the council under the Act are to be applied to the expenses incurred by the council in the general administration of the Act.

Clause 47 provides that a fine imposed by a court for any offence committed under the Act is to be paid to the council. Clause 48 deals with the situation where the person who is required to perform building work under the Act may not be in actual occupation of the building or structure. He is empowered to enter the building or structure after giving seven days' notice to the occupier. Clause 49 provides that where a building owner proposes to carry out building work of a prescribed nature within a prescribed distance from the land or premises of an adjoining owner, the building owner shall serve notice of his intention to perform the building work on the adjoining owner; the building owner shall take the prescribed precautions to protect the adjoining land or premises, and shall carry out such other building work as the adjoining owner is authorized by the regulations to require. This section is intended to deal with the case of a building owner making excavations and conducting other work within such proximity to the land or premises of an adjoining owner that that land or those premises may be injured thereby.

Clause 50 provides that a person shall not, without a licence of the council, erect any building or structure that may encroach or project upon, over or under any public place. The clause provides that if the council unreasonably refuses a licence under the section an application can be made to the court for an order that the licence be granted or that any of the conditions upon which a licence may have been granted be varied or struck out. Clause 51 exempts all buildings and structures, the property of the Crown, from the operation of the Act. Clause 52 provides that the Act does not affect, or exempt any person from the obligation to comply with, the provisions of any other Act or regulations. Where under any other Act or regulations any building work is permitted or required, building work must, unless the contrary intention appears, be performed subject to, and in conformity with, the provisions of the Act.

Clause 53 provides that nothing in the Act prejudices the exercise of civil rights by or against a builder or any other person. Clause 54 provides for the service of notice. Clause 55 provides for the summary disposal of offences. Clause 56 provides for the imposition of a default penalty. Where a section of the Act contains the words "default penalty", that indicates that the surveyor may cause to be served upon any person who is in default under that section a notice of the default, requiring him to remedy it within a period allowed in the notice. If he fails to remedy that default within the time so specified, he is liable to a default penalty for every day for which the default continues after that stipulated period.

Clause 57 is an evidentiary provision. It provides that in any proceedings for an offence under the Act an allegation that an act has been done without the consent or approval of the council shall be *prima facie* evidence of that fact; a document purporting to be a copy of a by-law made under the Act shall be received as *prima facie* evidence of the existence, contents and validity of the by-law; a certificate in writing purporting to be signed by the clerk or surveyor, and stating that any place within the area of the council is a public place or a fire zone, is to be *prima facie* evidence that that place is a public place or a fire zone. Clause 58 empowers the court at the hearing of the complaint for an offence under the Act, if it is satisfied that a building or structure does not conform with the provisions of the Act, to require the owner of the land to bring it into conformity with the provisions of the Act or to demolish it. If the order is not compiled with, the council may itself carry out such work as is envisaged by the order. Clause 59 requires the council to preserve certain material documents lodged with it pursuant to the provisions of the Act.

Clause 60 empowers the council, subject to the relevant provisions of the Local Government Act, to make by-laws for the purpose of the Act. Those by-laws may deal with the issue of licences with respect to encroachments on, over or under public places; and the prohibition or regulation of the use of cranes, hoists or other machinery in, over or under any public place. The clause contains certain provisions that may be used by the council as an interim measure prior to the inclusion of land within an authorized development plan under the Planning and Development Act. These provisions provide for regulation of the use of buildings or

structures and prohibit the erection of buildings or structures of an inappropriate category within defined areas.

The by-laws may declare any land to be a restricted site for the purposes of the Act. Under the next provision, the Governor may make regulations regulating, restricting or prohibiting the performance of building work on a restricted site, or the erection or construction of any building or structure, or class of building or structure on a restricted site. The by-laws may prohibit the erection of any building or structure of a specified class within a locality specified in the by-law on account of the insalubrity of the locality.

Clause 61 provides for the Governor to make regulations for the purposes of the Act. These regulations are to contain the detailed requirements for the construction and erection of buildings and structures. The regulations may prescribe the qualifications of building surveyors or building inspectors and make provision for their training and education. They may provide for the declaration of any portion of an area as a fire zone, and provide that a register of fire zones be kept by a council and made accessible for public inspection. The requirements for buildings or building work within a fire zone are to be specified by regulation.

The regulations are to deal with the classification of buildings, the resolution of disputes relating to classification, and the issue of certificates of classification. They may provide that where a building or structure erected before the commencement of the Act is demolished, destroyed or taken down to a prescribed extent, it must be rebuilt or reconstructed in complete accord with the provisions of the Act; they may provide for semi-detached buildings to be treated as a single building for the purposes of the Act; they may prescribe procedures and fees for the purposes of the Act; and they may provide for the testing of building materials and the prohibition of unsuitable material in building work.

The performance of building work within a prescribed distance from a street or other public place may be regulated or prohibited; the height and dimensions of building work may be regulated. Building work that encroaches on public places may be subjected to special provisions contained in the regulations. The regulations may make any provision that reduces the likelihood of fire in, or the spread of fire from, any building or structure. The maximum loadings, stresses, load factors and deformations permissible in respect of building work may be prescribed. Provision may be made for the foundations and other structural aspects of building work. The method of drainage from a building or site and the disposal of waste may be regulated. Standards of damp proofing or weather proofing may be stipulated. Measures for the prevention of damage to buildings or structures by termites, rodents or other pests may be required. Standards of health and amenity may be established, and in this connection the building may be required to meet the required standards of sound proofing and the rooms may have to be of prescribed dimensions and conform to minimum standards of lighting and ventilation.

The inclusion of lifts, fire extinguishing sprinklers and other apparatus in the building may be regulated. The occupation of a building before all building work contemplated by the plans, drawings and specifications approved by the council have been completed, may be restricted or prohibited. The affixure or construction of awnings or other attachments to buildings may be regulated. The regulations may make special provision for a prescribed building or prescribed class of buildings or structures. Finally, the regulations may prescribe penalties not exceeding $200 and default penalties not exceeding $50 for breach of or non-compliance with any regulation. Clause 62 provides for the appointment of the Building Advisory Committee. The committee consists of six members appointed by the Governor on the recommendation of the Minister. The function of the committee is to recommend any changes to the Act or regulations, generally to advise the Minister on the administration of the Act, and to perform such other functions and duties as may be entrusted to the committee by the Minister.

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

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 10. Page 2456.)

The Hon. V. G. SPRINGETT (Southern): Three years ago, almost to the day, this Council was debating a Bill to amend the Police Offences Act and, during that debate, much emphasis was placed on drugs; in fact, it dealt almost entirely with drugs, the same subject that we are discussing this afternoon. On November 2, 1967, I said:

In South Australia so far there is apparently no real problem of drug addiction, but a real problem in this State would arise if the drugs were peddled from New South Wales where small groups of teenagers are known to be involved in drug-taking.

Although three years have passed, I think it is true to say today that all thinking people are aware of and are disturbed by the growing problem of drug addiction. The word "drug", used in its broad connection and purposes, covers almost everything used in medicine; but we are most concerned with and very conscious of the illicit end product of drugs which we call habituation drugs and similar agencies.

These drugs, which are used so disastrously in sophisticated countries, come here only after considerable trouble concerning their growth, say, in the Middle-East, their transport (starting with donkeys, because they do not make a noise as they cross borders) involving trains, planes and ships; so they come to the recipient countries such as Australia where agents pass them on to pedlars, and the pedlars, who are the last link in the long chain, sell them to the consumer. Where does this long journey begin? I said the Middle-East. This area of the world has for centuries been the large production region of habit-forming and damaging drugs. They were not grown originally to cause harm, because in their right connotation many of these drugs are invaluable.

The Middle-East countries of Turkey, Lebanon and Iran are three countries that grow the poppies from which morphine is derived. Those countries have been doing this for centuries. Today, in this age of grace, the outlet for much of this product is still through Lebanon, at the eastern end of the Mediterranean, from which large quantities are distributed to America, where the Mafia link distributes it throughout that continent.

European countries are supplied with various types of drug, again very largely through Lebanon. Nearer home to us in Australia and of considerable concern to our own country is the fact that for a long time there has been a growing source of opium drugs in Communist China. From China they are shipped to various Asian countries, as well as to the United States of America. Hong Kong is one of the outlets. China has its own organization called the Triad, which is the Chinese equivalent of the Mafia. Not only does the drug-captured mass of people increase steadily, but the sale of these Chinese drugs gains good, convertible currency which both China and the Middle-East countries need.

All through history man has sought to make his lot less burdensome and to make human existence more pleasurable. He has sought ease, comfort and a sense of contentment. Some types of people have over the years gone as far as to seek a form of paradise for themselves. That is one of the fundamental reasons why people, mostly weaker reeds of society, seek for themselves transportation into fantasy land, and that is why pushers and pedlars have always been able to find a ready market for their despicable brand of trade.

The market is more readily provided among idealistic but poor young deluded souls. Some people are surprised that in 5000 B.C. the Sumerians, whose territory is what we today call Iraq, grew and cultivated poppies for opium. Those honourable members who know Homer's *Odyssey* will recognize that he knew of opium and of its effects on the mind. Virgil referred to poppies soaked with sleep. In the fourth century B.C. Hippocrates, who has been given the title of "Father of Medicine", advised the drinking of the juice of the white poppy, whilst Diagorus of Melos urged that opium should not be used.

The Arabs, warring and invading under the banner of Islam, carried opium and spread its use to the countries they conquered. They used it themselves to bring solace and comfort to those who were wounded in war. At the same time, the same concoction helped the Arabs themselves to face up to the horrible conditions of war as it was fought in those far-off days. Those Arab tribesmen and traders took opium to Persia, India and China, and such a hold did it get in the last-named country, China, that in the seventeenth century, when tobacco-smoking was forbidden, its place was taken almost immediately by opium-smoking. The poor, the hungry and those people living drab existences could, by means of this opium-smoking, receive temporary forgetfulness. It could easily be obtained in Turkey in those days, and more recently, too, and under its influence those people felt braver and less fearful of the dangers they faced in battle.

The Crusaders, in their turn, found it a useful drug. It was introduced into Britain in the seventeenth century and was prescribed for pretty well everything—for pleasure and as a cure for every known disease, from a simple irritating cough to venereal diseases. A famous physician of that time wrote:

Amongst the remedies which it has pleased Almighty God to give to man to relieve his sufferings, none is so universal or so efficacious as opium.

These uses through the ages, to which I have referred, are not all bad. Most of the countries learned that, if people kept on taking these drugs, they could not do without them.

Many other examples can be given of the beneficial use of these substances through the ages, and the trail of addicts. South American tribes had, and still have, their particular brand of drug that they use like opium. Ethiopia has its drug, which has stimulated warriors into acts of bravery beyond normal endurance—what honourable members and I would call foolhardiness. West Africa still has drugs that are used in JuJu ceremonies. Nigeria is one of the countries concerned. All through the ages, therefore, the philosopher, the scholar, the warrior, the primitive savage and all other people in between them have sought beneficial solace and increased emotional intensity which otherwise, without the use of these drugs, would not have been possible; but the tragedy of it is that, in doing this, each person in his own generation has placed himself in bondage to a tyrant which shortens life and from which only death gives permanent relief.

I ask myself and other honourable members: what is drug addiction? In 1937 two of the world authorities said it is the result of three phases. The first is tolerance—the diminishing effect of the same dose. This, in turn, means that an ever-increasing dose has to be taken if the same result is to be obtained. The second is physical dependence, which means that repeated administration is required to prevent the frightful and haunting condition that arises when taking the drug is stopped. The third is habituation, by which is meant emotional, psychological and physical dependence on the drug, when a person cannot do without it and will do literally anything to get it.

In 1950 the World Health Organization stated that drug addiction was a state of periodic intoxication detrimental to the individual and society, produced by a repeated consumption of the substance. It went on to say that the characteristics of an addicting drug included an overpowering desire (indeed, a compulsion) to continue taking the drug and, as I have said earlier, to obtain it by any means. I ask honourable members to think of the causes of a person becoming hooked on a drug and developing into a state where there is little chance of recovery and very often resulting in a premature death by suicide from an overdose. A fairly common heading on the front page of our papers is that Mr. So-and-so, a well known artist, musician or other type of person, has been found dead from an overdose of some drug. These people who form the drug-addicted group are largely suffering from some personality maladjustment. They are often psychopathic or psychoneurotic. The psychopathic people are those from whom dangerous criminals come; the psychoneurotic people are the highly nervous and strained people who cannot face up to life without help. It is also worth bearing in mind that abuse of one drug tends to lead to the use of others. For example, marihuana-smokers tend to pass on to heroin or morphine.

What are the general drugs of addiction? First of all, there are the sedatives. These are drugs or medicine that depress the central nervous system and so allay nervousness, anxiety and fear. How many of us at some time in our lives feel we need nervousness, anxiety or fear kept under control? Secondly, there are the hypnotics. These are the drugs used to induce sleep. Thirdly, there are the tranquillizers. These are the drugs that are in use to induce calmness and a sense of well-being. Fourthly, there are the stimulants. These temporarily enhance wakefulness and alertness and lessen the sense of fatigue that a person feels. Fifthly, there are the narcotics. This term is used to describe certain so-called hard drugs like opium, morphine, heroin, cocaine—all of which have their place in medicine. They serve to reduce pain and help people over crises. Opium I refer to as a hard drug. The use of opium we think of as being associated with China, but it is less than 300 years ago that the smoking of opium started in China.

Opium has been replaced in the armamenterium of modern medicine by morphine. These two drugs can be taken by sniffing them, swallowing them or being injected with them, and usually people will start on one method and work down the road. The injection may be given to a helpless person through his clothes straight into the body, and we can imagine the effect of this on a half-conscious addict. It is luck whether or not the person

giving the injection hits the right place in which to inject. Those who have graduated to that level start mainlining—that is, injecting straight into the veins. Heroin is often mainlined. Cocaine is essentially sniffed and, with the passing of time, the nasal septum gets perforated by the constant sniffing of this anaesthetic and drug.

Marihuana is a drug about which we hear much. It comes from the hemp plants. It, too, can be smoked, chewed, swallowed or sniffed. At first, it weakens the will power and behaves like alcohol, to no small degree. Inhibitions are released and so give rise to sexual disturbances and violent behaviour, including violent crime. One authority that I looked at last night puts it this way:

Marihuana leads to a sense of power, with excessive pleasure from the drug. Rarely does it drive the person completely insane, but leads him towards violent crime, apprehension, released inhibitions, exaggerated emotions, and teen-age violence such as window smashing, breaking of park seats and other public buildings. All these things are the acts of people who are under the effects of marihuana.

It is worth mentioning that, because there are few withdrawal symptoms and because people can apparently go without it for some time and then come back again, some people consider this drug less harmful than other drugs. It is a drug of addiction insofar as it is an intoxicating drug, which releases inhibitions and removes all sense of restraint from the person who takes it. The existing Act concerns only narcotics, but in view of the widespread use of other drugs it is most wise to change its title to cover narcotics and psychotropic drugs. To restrict any part of the Act to just Indian hemp leaves the door open for other known habituants to be sold and used. To restrict the growth of the opium poppy is wise, because it is not always realized that it grows in the Eastern States.

Bearing in mind the effects that stimulants such as amphetamine can have upon people, particularly those who want to keep themselves awake, such as long-distance lorry drivers and people who get bored but must continue for a few more miles, and those who are depressed and need stimulation, and teen-age people driving cars, it is right and correct that such drugs should be well controlled and used only under a qualified doctor's strict supervision. Everyone must agree that the pusher and the pedlar of drugs is a parasite who preys on the group of people who perhaps, from his original actions, have been led to a condition where they can no longer exist without drugs. Since in a country such as Australia the place of the drug pusher is that of the key person who is scorned by decent society, we naturally turn to him in this Act and tighten the laws preventing his activities.

I believe that heavy penalties have a deterrent effect, and it intrigues me that, because of the effects of drug taking, some people agree with me, but in certain other conditions they say that heavy penalties are not the answer. I think these penalties should be a deterrent. I hesitate before accepting the provisions of clause 5, which presumes that a person trafficking in drugs has to take the responsibility of proving his innocence. I am aware that we are dealing with a horrible situation and that this same method of accepting guilt before trial applies in certain other aspects of the law, but it is contrary to our traditional system of justice, and I wonder whether we should go that far. I think clause 10, which authorizes the right of entry and inspection of buildings, is wise and sensible. Obviously, people below the rank of sergeant should have the right in the performance of their duties to enter and search a building.

So society as we know it takes up the cudgels against the section of the community, which, like leeches and parasites, helps to destroy its fellow human beings, and having destroyed them, continues to batten on them for the rest of their lives: mercifully, some of these lives are short. I have not yet referred to lysergic acid diethylamide, or L.S.D. We discussed this drug about three years ago, and what I said then and now applies as much to L.S.D. today as to any other drug. It is dangerous and harmful. This is an age of false prophets, and it is vital that those of us who have the responsibility to pass laws to help society to live at peace with itself must do all that lies in our power to save youngsters in their early teens from the effect of this dastardly drug trade. An article in the *Medical Journal of Australia* on January 27, 1968, dealing with hallucinogenic drugs states:

How much it is used in this country is unknown, but these American reports emphasize how varied the manifestations of L.S.D. toxicity can be and the importance of bearing the diagnosis in mind when disturbed patients are seen in hospital or general practice. They also draw attention, once again, to the distressing and long-lasting effects which L.S.D. may produce. While most L.S.D. users seem to be psychologically inadequate, and probably incapable of intelligent foresight in their own

interests, there are others who may be tempted to use it in a socially experimental way. Suitable warnings may save them from tragic consequences.

Drug-taking by many of our youngsters starts as a bit of fun and a dare, but ends up with injections, loss of morality, loss of personality, and skid row. Because of these things, I heartily support the Bill.

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

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 10. Page 2460.)

The Hon. JESSIE COOPER (Central No. 2): In supporting the second reading, I do not wish to delay the passage of this Bill, which has already been given much attention. With other honourable members, I have been bombarded with information, much of which is more biased and more misleading than helpful. The only people who do not seem to have spent money on promoting selfish interests are the 98 per cent of the community whose freedom of purchase is being restricted—the ordinary shoppers. There are, however, one or two matters that I would like clarified.

First, I wish to bring to the notice of honourable members what one might perhaps call a conspiracy against our sporting fraternity, In the sphere of sporting goods the framers of the Bill seem to have had some antipathy to the purchase of what they evidently regard as frivolous items. Despite the fact that we will be able to buy, under exempted goods, artifacts (whatever that term might include), ash-trays (and heaven knows what emergencies might arise if one could not buy an ash-tray after hours), razors, and fish-food, I can find no provision for the exemption of amateur fishermen's equipment or of golfers' or tennis players' requirements. In fact, sporting goods seem to have been rigorously excluded, and I ask the Minister why they have been. Secondly, the amended definition of "shop" is so wide that I believe that some difficulties may arise. Clause 5 (*l*) states:

"Shop" means the whole or any portion of a building, structure, stall, tent, vehicle, platform, ship or boat—

(*a*) in which goods are offered or exposed for sale by retail (including sale by auction); . . .

The same paragraph defines "shop assistant" as follows:

(*a*) A person engaged in or about a shop (whether remunerated or not)—

(i) In selling or supplying, or assisting in the sale or supply, of goods to the public; . . .

I suggest that perhaps under the definition of "shop" it should be specified that the term applies to the sale of goods to the public, and I stress the word "public"; that is not provided by the present definition. For example, in the sporting sphere again, owing to the fact that the Bill fails to specify that a shop is something which sells goods to the public, I can find no provision for the exemption of such places as the golf professional's shop which exists on most golf courses or the fishing gear suppliers at most seaside resorts. Both types of shop do most of their trading outside the normal hours visualized by this Bill.

Finally, I would like to say that, although it appears in the third schedule to have been necessary to exempt "Restaurants and eating houses (including hotels, motels and road houses)", I can find no exemption for bars and booths at the Adelaide Oval and similar sporting and football arenas. I realize that such bars and booths come under the Licensing Act but, as it has been found desirable to specify "Restaurants and eating houses (including hotels, motels and road houses)", one must presume that it is necessary to do likewise in the cases I have mentioned.

The Hon. R. C. DeGaris: You are saying that a booth will not be able to sell matches or cigarettes?

The Hon. JESSIE COOPER: I cannot find any provision in that connection, and I cannot find any provision for the bar at the Adelaide Oval. We should look carefully at the Bill. I hope the Minister will consider these matters before the Bill reaches the Committee stage. In the meantime I support the Bill.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. When it reaches the Committee stage I am sure there will be much discussion on it because, like the previous speaker and other speakers, I believe that one or two provisions in it will need to be carefully considered. One or two of the earlier speakers said they would vote against the Bill. I thought that their statements were a little rash, because, as the Hon. Mr. DeGaris pointed out, 45 clauses of the Bill have nothing at all to do with shopping hours. As no other honourable member has said anything at all

about those clauses I shall briefly mention some of the points included in them. They are important and, in some ways, I think they foreshadow further amendments to the Industrial Code. In fact, in his second reading explanation the Minister said that we would have a comprehensive review of the Code next year.

I know it has been currently rumoured that a comprehensive review of the Code will be made and there have been hints that a considerable extension of the jurisdiction of the Industrial Court will follow. This will probably happen, because this Bill provides for the appointment of an additional Deputy President and it includes the industrial magistrate as a member of the court to exercise certain functions. The previous Government made the necessary provision for appointing an industrial magistrate; Mr. Hilton, who has done that job very well, has for some time now been exercising jurisdiction as Registrar of the court and hearing applications under section 36 of the Code, dealing with claims for arrears of wages, claims for long service leave and other ancillary matters. Although he has been acting as Registrar, not industrial magistrate, he has been making what are judicial decisions and I think these functions should be now transferred to an industrial magistrate. I hope that Mr. Hilton will be appointed industrial magistrate by this Government in view of his long experience in this type of work.

If this is done and the Bill is accepted in its present form he will relinquish his job as Registrar and someone else will be appointed. Then, in giving these decisions and dealing with breaches of the Industrial Code, including the new provisions for shopping hours, he will be exercising the jurisdiction as a member of the court. I do not know whether the Government has considered providing that the Industrial Court have power actually to enforce orders made for recovery of wages, etc. At present this cannot be done through the procedures of the Industrial Court; the judgments have to be registered in another court of appropriate jurisdiction such as the local and district criminal court and other processes must then issue, such as warrants and unsatisfied judgment summonses.

The appointment of the extra Deputy President by the Government was justified by the Minister on the ground that the existing Deputy President, Judge Olsson, has also been appointed Public Service Arbitrator and Chairman of the Teachers Salaries Board. Consequently, his time is pretty well taken up by these commitments. Under this Bill, as Senior Deputy President, he will exercise the jurisdiction of the President when the President is absent. It is a little doubtful whether the appointment of an additional Deputy President will really do much toward relieving Judge Olsson of his fairly onerous duties at present. Therefore, I am not absolutely certain that the appointment of an additional Deputy President is badly needed at this stage.

However, with the proposed set-up, and with the additional appointments to the bench and the incorporation of the industrial magistrate, we will now see in the Industrial Court something like the judicial apparatus that exists in the new Local and District Criminal Courts, where we have judges (and the right of the Government to appoint additional judges from time to time) and magistrates who also exercise the jurisdiction of the court up to a certain figure and in certain jurisdictions. With these things, we are in fact getting nearer to the construction of a court which is like the intermediate court, and I think this is a good idea.

The Bill contains provision for the new commission to make living wage adjustments following increases in the total wage fixed by the Commonwealth Conciliation and Arbitration Commission. Honourable members might recall that in 1966 or 1967, when we had a prolonged debate in this Council on the amendments the Government introduced to the Industrial Code, I pointed out very strongly that this was a real problem in that there were either fixed amounts granted by the Commonwealth Commission or, later on, percentage amounts in overall wages, and we had the old living wage provisions here. Indeed at that time I moved an amendment which I thought would go some way towards resolving the position *pro tem.* Other amendments were moved, and there was a conference on the matter. At that time the Council stuck out for the amendments, and I think they have proved to be of at least some use. However, it is now proposed that the Full Commission can make appropriate adjustments in the State living wage. I think provisions are also now being made for the State to declare a total wage. Indeed, the old concept of a State living wage has now become

a little outmoded in view of the decisions made in the Commonwealth tribunal. I am pleased to see that, although I was accused of raising red herrings at the time, this rather difficult matter has at last been recognized as a problem and cured.

I have some reservations about clause 39, which deals with the registration of associations. It states that where the membership of an association consists in part of persons employed by the Government of the Commonwealth or an instrumentality of that Government, those persons shall not be counted in determining whether the association is an association of not less than 20 employees, and registration shall not be refused solely on the ground that persons so employed are members of the association. Some years ago I was counsel in one of the cases that came before the court in respect of this matter, and it was established that an organization which largely comprised employees who were employed in the Commonwealth Government did not constitute an industry in this State. Now we are going to change this position very drastically, because the proposed new subsection provides, in effect, that Federal associations which have members in Commonwealth employment and which were, because of the court's decision on the meaning of "industry" prevented from gaining State registration, will now be able to obtain State registration with the Industrial Commission if they have not less than 20 other members.

I think this is quite clearly an inroad into the protection that our State associations have had. Indeed, one of the most important associations that I feel will be gravely affected by this amendment is the Public Service Association of this State which, for some 20 years or more, has been very active as a registered association with our State court. The association has obtained awards from and has approached the court on many matters concerned with the welfare of the Public Service. I point out that that State association has no reciprocal right of entry into the Commonwealth courts. Some years ago an attempt was made to introduce into the Commonwealth Parliament a Bill which would have given State associations access to the Commonwealth Commission. However, that Bill was actively opposed by the Association of Professional Engineers, amongst others, and it was said then that the State bodies ought to keep out of Commonwealth affairs and not be registered with Commonwealth tribunals. However, now we are going to allow bodies with large Federal membership to come in and have access to our State tribunal, without there being any reciprocity of access whatsoever, and I think this is something that we ought to look at very carefully.

Although I realize that the implications of this matter are perhaps not wide and that the Public Service Association might even be the only organization affected, I am not altogether happy about the provision. I think it will certainly encourage Commonwealth organizations to gain access to the State tribunal. Amongst those organizations are bodies such as the Association of Professional Engineers, the Association of Architects, Surveyors, Engineers and Draughtsmen (all of whom have Federal members), and the Nurses Federation, which has members employed in the Repatriation Department's hospitals. It will also enable those organizations to obtain members from the existing associations or unions, the main one of which, as I have said, is the Public Service Association.

The Hon. C. M. Hill: Do you know whether the Public Service Association put its problems to the Government?

The Hon. F. J. POTTER: I do not know exactly what has transpired. I think this may have been looked at by the Minister as a kind of technicality to be overcome. Sometimes when one just takes a quick glance at these things one does not think of all the implications that follow. It may have been thought that this was an anomaly which, at first sight, appeared to need curing. However, I think there are implications which ought to be looked at again. I understand that the Public Service Association made representations to the Minister.

The Hon. C. M. Hill: It got a pretty raw deal out of it, didn't it?

The Hon. F. J. POTTER: It did not get any deal out of it at all. However, I hope that the Minister before replying will have another look at this matter and see whether or not there is any real need at this stage or any real agitation from these other bodies, which are mainly Commonwealth bodies, for this clause to be included in the Code. I think the Government should have considered the position of the State Public Service Association, which is the third largest registered association with the State commission. I think the association is alarmed at the possible inroads that might be made into its membership, because it has a

large membership covering 800 or more different classes of work.

For a long time there has been a desire by some of these other associations, particularly professional associations, to gain access to the State tribunal. I know that some organizations with members employed by the Commonwealth Government have already become registered; therefore, this will now clearly give some other organizations what might be called an arm-chair ride into the State sphere. I do not know what is to be gained by that kind of amendment. However, I do not think it is a question of any further amendment: one is either for the proposal or against it. At present, I am a little perturbed at the implications whereby other people are to be allowed into the State jurisdiction; it is a one-way traffic, with nothing in the way of reciprocity in the Commonwealth sphere.

I do not want to say much about the principal item in the Bill, namely, the question of shopping hours, because so many other speakers have highlighted the essential matters of that subject. I agree with the Leader's statement that this is a real political question. It has always been a political question. When there are four different groups, namely, the employers, the specific employees, the trade unions, and the shopping public, involved, with conflicting interests all wrapped up in the one problem, one can expect trouble. There is a kind of unholy alliance between the interests of the union, on the one hand, and the interests of the employers, on the other hand, much like the unholy alliance that existed over local option polls in the old days of the Licensing Act between the churches and the liquor trades. Naturally, there are political problems, and this problem is a real beauty.

I support, and I think all honourable members support, the idea of uniformity. We must have a measure of uniformity throughout the metropolitan area and it must be strict uniformity. Without it, we will encourage breaches of the law and, sooner or later, there will be a position which, as far as the shopping laws are concerned, will be almost one of anarchy, and no Government could put up with that. At the same time, while I recognize the need for uniformity, in common with so many other honourable members I should like to see as much freedom as possible for the ordinary consumer, because I think he is the one who is principally involved. He is the person who, after all, requires the goods; he is the person who has the money to buy the goods; and he is the person who, in the long run, must receive the final consideration regarding rights and duties.

I think that before long pressures will develop in the community for a further extension of shopping hours. I have no doubt that the Hon. Mr. Hill was correct when he said that, in a modern community with more working mothers (and I notice that the Commonwealth Government is about to embark on a programme of child-minding centres that will encourage even more working mothers), this will only hasten the day when there will be considerable pressures for increased shopping facilities. I suggest that the answer might well lie not so much in gradually extending the hours but in some extension into at least one evening's trade during the week, with a staggering of hours during normal business days.

This happens overseas, particularly on the Continent, but there are half days off during the normal working week to enable shops to open during some evenings. This arrangement works well, and it caters for the convenience of shoppers. If we reach the situation in this State of considerable shift work and of more working mothers, I think that something like this practice will have to eventuate. In opening, I said that in Committee we will need to look very carefully at the Bill's provisions. I am not happy with some of the details in the schedules. The Hon. Mrs. Cooper mentioned one or two matters that came to her attention in the course of examining the Bill. I think something must be done about exempting "take-away" food shops, whose business is growing rapidly. There is at present the sale of chicken cooked in one form or another, and the sale of Chinese food is increasing.

The Hon. A. F. Kneebone: There will be an amendment regarding the exempting of "take-away" food shops.

The Hon. F. J. POTTER: I am happy to hear the Minister say that. However, I am not happy about the provision concerning meat, nor am I happy that the schedule provides that frozen meat will be exempted. The Minister said in an announcement, I think a few days ago, that the sale of frozen meat would definitely be permitted. However, I do not know what "frozen meat" means.

The Hon. A. F. Kneebone: It's meat that is frozen.

The Hon. F. J. POTTER: To what degree must it be frozen? Is meat in a refrigerator

frozen, or does it have to be frozen stiff? Any deep-frozen food in that condition would not be of much use to a housewife if it had to be thawed out 24 hours before use.

The Hon. R. C. DeGaris: There's no definition of "frozen" or "refrigerated". They mean the same thing, surely.

The Hon. F. J. POTTER: I do not know. However, no doubt that will be debated later. Some people might believe that there is a distinction between frozen and refrigerated food but, if there is a distinction, I do not know what it is.

The Hon. R. C. DeGaris: Who's to distinguish between them?

The Hon. F. J. POTTER: I do not know. These are the matters in the schedule about which I am not happy. It almost seems to me to be a paradoxical situation that we allow poultry and rabbits to be freely available as exempted goods. These items are in no way subject to inspection under our health laws and are freely available to anybody, yet the one item, meat, which is rigorously inspected at all stages is not exempted.

The Hon. D. H. L. Banfield: It is not inspected in the country areas, such as Noarlunga.

The Hon. F. J. POTTER: In the metropolitan area, anyway. The meatworks are being brought up to date so that they can catch the American markets again. It is the one thing that people cannot buy as exempted goods unless apparently it is in a stiff frozen form hard enough to throw it at somebody and hurt him with it. In the Committee stage we should look at what is meant by "frozen meat", to see whether it covers refrigerated meat. "Meat" is defined in the Bill and, as far as I can see, we may be in trouble about whether "frozen meat" is exempted.

The Hon. L. R. Hart: Does it have to be frozen?

The Hon. F. J. POTTER: According to the definition, "meat" is "the flesh of a slaughtered animal intended for human consumption". I do not know how that ties in with the list of goods mentioned in the schedule. I propose to support the second reading and to support the principle of uniformity. A real case can be made for perhaps extending the time for the coming into operation of this measure beyond January 1, 1971, the proposed date. Coming right at the end of the Christmas rush, that is a most inappropriate date for this legislation to come into operation, particularly as, apart from the butchers and bakers, who had prior notice from the Government of what was intended for them, nobody else knew about this until some time in August, when it was first announced. I think a good case has been made both on behalf of the employees in shops and on behalf of the small shopkeepers who, in many cases (and I personally know one or two instances that have been brought to my attention) have committed themselves in respect of leases on the basis that their present trading conditions were expected to continue. So some relief for them would be appropriate. I do not know that I can go along with the Hon. Mr. Hill's suggestion of two years. Perhaps that is going too far, but I have heard other suggestions made—one year, six months and even two or three months. I will postpone my final decision on this matter until I see what amendments are put before the Committee, but I indicate at this stage that I am in favour of some revision of the date of the coming into operation of this legislation, on the grounds I have previously mentioned. I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL (FEES)

Adjourned debate on second reading.

(Continued from November 10. Page 2466.)

The Hon. E. K. RUSSACK (Midland): As stated by the Minister in the second reading explanation, the main reason for the introduction of this measure is the concern about road safety. I commend the Government for its thinking on this matter. In respect of road safety, it has been suggested that there is a deadly triangle—the road, the vehicle and the driver. The road has been considered by past Governments. I think the vehicle is receiving the attention of the manufacturer as regards its safety and its maintenance. The necessary authority is given for vehicles to be inspected to ensure that they are roadworthy.

But possibly the greatest responsibility rests with the third part of the triangle—the driver. We find that road traffic accidents cause 45 per cent of all accidental deaths in Australia; 21 per cent of deaths are caused by falls, 9 per cent are attributed to drownings, and 25 per cent to other causes, such as aircraft accidents, railway accidents, accidents at sea, burnings, etc. Of our transport fatalities in Australia, 90 per cent occur on the road, 6 per cent on rail,

3 per cent on the water (boating tragedies, etc.) and 1 per cent in air accidents. Of the road fatalities in Australia, people are responsible for 90 per cent, vehicle defects for 6 per cent, road conditions for 3 per cent, and weather conditions and atmospherics for 1 per cent. Therefore, I stress the point that the driver of a road vehicle is the person most responsible for the deaths that occur. In fact, drivers are responsible for 11 out of every 20 road deaths.

In last night's *News* there appeared an article about a book that has been produced by Pedr Davis, one of the foremost writers about the motorist in Australia, who says:

Plain human failure kills more than 90 per cent of those who die on Australian roads. Most motorists cruising our highways and city streets are bumbling incompetents—mobile road deaths looking for places to happen . . . The prime cause of road accidents is poor driving.

So it is good to know that a good percentage of any increase in the fees for drivers' licences will be channelled to the consideration of educating the driver so that he may become more efficient and less prone to causing accidents and death.

I notice that $77,000 in the first year is to be appropriated for the establishment of a programme similar to that suggested by the Road Safety Council of this State for driver improvement, and then in each successive year $60,000 is to be appropriated for that purpose. I also note that statistics show that the deaths on our roads in the city proper are comparatively small. They are more numerous in the whole metropolitan area, including the suburbs, but at least twice as many people are killed on country roads as are killed in the metropolitan or city area. Therefore, it is most important that great consideration should be given to educating the driver or the potential driver. I understand that the fee for the licence will be increased from $2 to $3, the learner's permit will remain at $1, the fee for the incapacitated person will remain at $1, and pensioners will be able to obtain a licence at the present fee of $2. This position is most satisfactory in that incapacitated people and pensioners have been considered sympathetically.

I also note that the fees to go to the Highways Fund are not to be more than 50c in each dollar and this money will be channelled into the road safety programme, which will reach a maximum of $250,000 a year. The remainder of the revenue (the total of which will be about $500,000), will be spent on road construction and improvements. I realize that much effort is made in road engineering to make our roads safer. Recently, I heard an address by a sergeant of police entitled "Modern wonders of road safety", in which he stressed the simple things, such as road signing, white lines, guide posts, fluorescent tape on posts, and other matters.

Simple though they may be, these are the results of experiments and are effective in promoting road safety. The Minister suggested that improvements will be made to rail crossings and road intersections, and installing additional lights to control traffic. As has been suggested, the illumination of railway rolling stock would help towards better road safety and there is no reason why improvement cannot be made in this matter. A dollar fee is to be paid by a person sitting for a learner's permit, and will offset the cost of the practical test and the attention provided by the Police Department through its officers. I agree that this is a reasonable sum, because the department is involved heavily in this specialist field, which is time consuming. I should like an assurance that the money to be collected up to $500,000 will be spent on a road safety campaign. It can be channelled into other avenues, but if it is being sought from drivers it should be spent for this purpose. In his second reading explanation the Minister said:

Accordingly, provision is being made by amendment to this Act to ensure that not more than 50c of each dollar of the increase proposed by this Bill will be paid to the Treasury, where it will be available for appropriation by Parliament for road safety purposes. The maximum amount that will be available in any one year will be about $250,000.

I stress that it is not stated that this amount will be spent, but that not more than 50c of each dollar will be paid to the Treasury. I hope that a reasonable and necessary sum will be used for road safety purposes. Money will also be available to improve roads, but we have had no indication of any plan other than the plan suggested by the Road Safety Council. In saying that, I am aware of a further statement by the Minister, who said:

The provision for future appropriation of moneys to be spent on road safety has been made to accord with sound Treasury practice and will ensure that specific Parliamentary approval is obtained for that expenditure.

I trust that ere long we will hear of a definite plan of how the money will be spent, but I hope that it is spent on road safety, the education of drivers, and the up-grading of railway crossings, roads, and intersections. Will the holder of a learner's permit be required to pay

for each practical test? According to statistics the number of tests made in order to obtain a licence is 1.8 to 1.9, which means that in almost every case the learner has two tries before passing the practical examination for a driver's licence. I consider that this could lead to a higher standard and a better preparation by the person seeking the licence before he sits for the examination. I hope that the money paid into general revenue as fees paid to the Police Department will be used to offset that department's expenditure and will enable that department to extend its services in assisting the road safety campaign.

Most road accidents are caused by the human element, and I am convinced that this toll can be reduced by educating our drivers so that there will be fewer road fatalities. A report in last night's *News* states:

Drivers who set about improving their safety through skill discovered a fascinating fringe benefit in their motoring. "Owning a car is still fun!" claims Davis. To control a car precisely, manoeuvre skilfully, and handle all types of roads in your stride can be intensely satisfying. All it needs is a little understanding of fellow motorists, the car, and above all, oneself.

The money that is obtained from the increase in licence fees and by the introduction of a fee for a practical test should be used and directed towards a road safety campaign, and I support the second reading of this Bill.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank those honourable members who have spoken during this debate. Most of the points made by the Hon. Mr. Hill during his lengthy speech were answered by the Hon. Mr. Russack, to whom I express my appreciation. Apparently the Hon. Mr. Hill did not think that driver education was a very important aspect of road safety. He started his speech by referring to an election advertisement that he had heard on the radio. He criticized the Government because it was increasing fees for drivers' licences by 50 per cent. Of course, he did not say that the increase of 50 per cent was an increase of only $1. I have heard much praise for the Government because it is taking such an interest in road safety and is planning to spend so much money on driver education. I remind the honourable member that the previous Government planned to double the licence fee for the purpose of financing to some extent some proposals in the Metropolitan Adelaide Transportation Study plan. There was a scream about the previous Government's proposal, but the present Government's proposal is being praised.

The Hon. R. C. DeGaris: Do you think that the M.A.T.S. plan will add to road safety?

The Hon. A. F. KNEEBONE: I referred to the M.A.T.S. plan only to show an inconsistency in the speech of the Hon. Mr. Hill. The organization that represents most South Australian motorists supports the present proposal. The honourable member also said that it would not do much good to put further money into the Highways Fund for the purpose of installing automatic crossing lights, because the Railways Department could not spend it, anyway. The honourable member said that, during his term as Minister of Roads and Transport, the department was allotted $150,000 for this purpose but it was not able to use it. The honourable member should know that the reason why the Railways Department could not use the amounts allotted to it was that only a limited number of people could do the skilled work necessary and that the department had much signalling work to do in the South-East at that time.

The honourable member then became political and said that the Railways Commissioner "at least knows that a Labor Government will not permit private enterprise to go on the right-of-way to install these lights". The honourable member's statement is completely political; he knows very well that the Railways Commissioner's attitude to the question of private enterprise taking over the installation of lights is that the Commissioner is liable in respect of any accidents caused through ineffectiveness of the lights. The honourable member also said that the Government's decision not to increase the licence fee for pensioners was a political move. Who was being political? It was not the Government! One honourable member asked into what fund the $1 for each practical driving test would be paid; it will be paid into the general revenue of the Police Department. In reply to the Hon. Mr. Russack, I point out that there will be a charge of $1 for each practical test.

The Hon. R. C. DeGaris: If a person fails he pays $1 for each subsequent test?

The Hon. A. F. KNEEBONE: Yes. If it is logical to pay $1 for one test because of the work and time involved for police officers, surely it is logical to pay $1 for each test. In connection with people who take many tests, the question arises: are they suitable people to hold a licence if they need so many tests? In connection with the sum that will

be transferred to the Highways Fund, the Hon. Mr. Hill said that that fund was not short of money. I point out that the money will be used for grade separation and automatic lights on crossings. When the honourable member was Minister of Roads and Transport and people asked about grade separation in places such as the Islington railway crossing, he replied that that would cost much money and that the Highways Department did not have that sort of money and that, therefore, grade separation would be a slow process. How does the honourable member reconcile that kind of reply with his statement of yesterday? He cannot have it both ways. So, his speech was full of inconsistencies.

The Hon. L. R. Hart: Who pays for the cost of installing lights at level crossings?

The Hon. A. F. KNEEBONE: As far as I know, the Highways Department pays the cost and the Railways Department does the work. The Hon. Mr. Hill said that 50 per cent of the additional money collected would be paid into the Treasury for road safety purposes, that $77,000 would be used in the first year for driver education, and that $60,000 would be used for this purpose in each year thereafter. The honourable member wanted to know what would be done with the $190,000 left over. That will be used for road safety purposes. A recent press article said that there could be a driver training area similar to that at Mount Lawley in Western Australia. That is a very well laid out area where training of drivers is carried out. This is a project on which money could be spent.

The honourable member also mentioned the Pak Poy committee that was set up to look into the question of road safety, and he asked what had happened to its report. That report has recently been placed in the hands of the Government and is at present being studied. This money could be spent on implementing just such recommendations as could emanate from that committee. I assure honourable members that the money would be spent to achieve road safety to the fullest possible extent. If any honourable members have any further queries, they can be dealt with in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Licence and learner's permit fee."

The Hon. L. R. HART: I assure the Minister that I will not be political on this question.

The Hon. A. J. Shard: That would be a record.

The Hon. L. R. HART: I was interested to hear the Minister say that private enterprise could not be engaged on the work of installing warning devices at railway crossings because the Commissioner was liable for any accidents that occurred. Although I accept that explanation, it seems to me that the Commissioner could be involved in the questions of design and supervision. It would not be necessary for one of his gangs actually to build the installation. Surely private enterprise is equipped and willing to do this work. I ask the Minister: who installs the traffic lights at intersections on roadways in the metropolitan area? Does the gang that does this particular work have to be so competent and so experienced that private enterprise would not be capable of doing the work? As the Minister said, the Highways Department pays for this work. I have questioned before whether it is not possible for the Railways Department to train more men to do this work. I think each year four or five railway crossings have warning devices installed, although the number depends entirely on the size and complexity of the job.

The CHAIRMAN: Order! This clause relates to licence and permit fees: it has nothing to do with railway crossings.

The Hon. L. R. HART: I am sorry, Sir. This money has to be used for particular purposes. Can the Minister assure me that the Railways Department will endeavour to train more men for this work or that, alternatively, consideration will be given to using private enterprise?

The Hon. A. F. KNEEBONE (Minister of Lands): I can tell the honourable member that people are being trained all the time for this work. The legal advice we have been given is that the Commissioner is liable for any accidents that occur.

The Hon. F. J. POTTER: The liability of the Railways Commissioner really has nothing to do with the question. As I see it, that liability remains whether his men do the work or whether it is done by private enterprise. Therefore, I think honourable members who have raised the question of this work being contracted out to private enterprise have a pretty good point.

Clause passed.

The Hon. A. F. KNEEBONE: In view of the comments that have been made, I ask that progress be reported.

Progress reported; Committee to sit again.

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

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

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 8 p.m. on Tuesday, November 17, at which it would be represented by the Hons. T. M. Casey, R. C. DeGaris, F. J. Potter, Sir Arthur Rymill, and A. J. Shard.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 10. Page 2468.)

The Hon. A. M. WHYTE (Northern): This Act has not been appreciably altered since it was first enacted in 1920, although there has been increasing comment from the people of South Australia on the need for amendments to provide for greater control over quarrying and mining in the recent general upheaval in the search for minerals. Until recently, these have been voices crying in the wilderness, for not a great deal of heed has been paid to those people. However, accelerated mining activities over the last two or three years have caused the authorities to take closer notice of what is taking place.

We read and hear every day or so of the supposed rape of the Adelaide Hills. I believe that these amendments will go a long way towards enabling the authorities to meet the wishes of many people. I think that even most of the miners and quarry operators themselves do not want to see a great deal of devastation if it can be avoided. Because the Act has not been policed to any extent previously, I believe that many of these operators were prepared to travel along very freely and economically; I do not blame them for that. I do not profess to know much about quarrying activities, which are so much under fire from the people of Adelaide. However, sometimes when I look at the scar on the Adelaide Hills I wonder whether it is not some kind of monument or memorial to the great amount of work and to the number of cheap houses and roads that have been built within the metropolitan area.

I should not like to see the scar spread any farther along the face of the Hills, because it is a disfiguration to some extent. However, if the same materials extend into the range, I should be happy to see quarry operators burrow their way right to the eastern side of it. Anyway, I suppose quarry operators know where the most economical lodes of material lie.

The Hon. Sir Norman Jude: What about the geology side of it?

The Hon. A. M. WHYTE: It indicates that the type of metal they are seeking does not extend into the range. However, the amendment will cover a much wider field than quarrying. I know that in many of the pastoral areas, where there is further endeavour to find minerals, considerable unnecessary damage is taking place without much consideration for the landholder or for the tourist attractions of Australia. This is happening in the Flinders Ranges, where some mining companies play the game with the pastoral lessees; it is also happening as a result of the opal-mining activities at Andamooka and Coober Pedy.

Although the amendments appear to cover this need and to give the necessary authority to the Mines Department inspector, their application is a different matter. Over the last five years an increasing number of bulldozers has been brought on to the fields. Many of the older miners believed initially that this practice was wrong and that it was the beginning of a rat race. Hand miners have equipped themselves fairly well with air compressors and with power winches and have been able to move about economically and find much opal; but when some miner decided that he would get rich quickly and not find just a bag of opal but a full truckload, he brought in bulldozers.

The size of the bulldozers and the size of the cuts increased until today in the Coober Pedy area about 300 square miles of pastoral land contains trenches 20ft. deep, with a corresponding amount of over-burden that is drifting and denuding the area that has been dug. Many of these operators are not always considerate, as many of them travel with the bulldozer blade down because it lessens the machine's vibrations. As a result of this practice, the bulldozers virtually grade roads. During the recent debate on the amendments to the Pastoral Act, it was said that the operators were not always particular about bulldozing fences down as well.

I know something of the opal-mining set-up. I have been told that about 250,000 square miles of country could prove to be opal-bearing. If we let these miners continue to tear strips out of the country or to doze trenches of up to 60ft. deep and do nothing about returning the surface to something near its normal standard, we will see a dead heart in Australia, because the drift problem, as well as the amount of country being denuded, will have to be reckoned with. As I have pointed out, the amendments appear to me to do almost all that is required of them, but their application will be an entirely different matter. I consider that there will be a great deal of protest and that, in some places, a great financial burden will be placed on people who, up to now, have had no restrictions placed on them but who have invested large sums of money in acquiring earth-moving machinery.

If the Bill were to become law and if an inspector said, "You must replace whatever dirt you take out", the economics of the filling of these holes could be perturbing. This could cause considerable hardship. If it is of help to the Chief Secretary, I ask leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Thursday, November 12, at 2.15 p.m.