LEGISLATIVE COUNCIL

Tuesday, November 24, 1970

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

QUESTIONS

EMERGENCY EXITS

The Hon. V. G. SPRINGETT: Recently I asked a question of the Chief Secretary regarding emergency exits from buildings in the metropolitan area. Has he a reply?

The Hon. A. J. SHARD: I have been informed by the Attorney-General that plans of all places of public entertainment are required to be submitted to the Minister administering the Places of Public Entertainment Act prior to the commencement of any construction work. The Inspector of Places of Public Entertainment is obligated to ensure that plans submitted to the Minister comply with the various safety provisions, as prescribed in the regulations under the Act. In addition to the provision of adequate exit facilities, all licensed places of public entertainment are required to be equipped with adequate fire extinguishers. All curtains, drapes and hangings are required to be fire-proofed, and battery-operated exit lights are required to be installed over all exit doorways. The Inspector of Places of Public Entertainment considers that arrangements in South Australia concerning emergency exits are satisfactory.

WATER QUOTA

The Hon. L. R. HART: Has the Chief Secretary a reply to my question of November 11 regarding water quotas?

The Hon. A. J. SHARD: Quotas are not being provided for subdivisional or property sale purposes. Quotas are available only on the basis of actual acreage under irrigation during the 1967-68 base period. Any inquirers to the Mines Department would be so advised.

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

Leave granted.

The Hon. L. R. HART: I thank the Chief Secretary for his reply in answer to my question about water quotas, but the reply does not cover my question. The basis on which I asked my question was that a constituent in the Virginia area claimed that, after having put his property on the market, a prospective buyer inquired of the Mines Department what was the present water quota of the property, and whether this quota would be transferable in full or what the actual situation was. What he complained about was that the information given by the Mines Department was to the effect that it did not matter to any great extent what the present quota was or whether it was transferable or not because in 20 years' time the basin would be polluted with salt water and quotas would be unimportant. My question was: is this information being given with the concurrence of the Government and, if so, on what basis is it established? I am afraid that the answer given me this afternoon does not cover the question.

The Hon. A. J. SHARD: I will refer the honourable member's question to my colleague, the Minister of Development and Mines, and see whether I can get a more specific answer.

NATIONAL PARKS

The Hon. C. M. HILL: Over a month ago, on October 21, I asked the Minister of Lands whether he could supply any information that would assist the public to inspect the region of the Coorong that is under the control of the National Parks Commission. Has he a reply?

The Hon. A. F. KNEEBONE: The Coorong National Park has been dedicated to preserve for posterity this unique area of land and the vegetation which has stabilized the sand dunes along its length. While access to the park is not easy, a fairly large number of people, particularly amateur fishermen, already use the park regularly. The park comprises a long attenuated stretch of sand dune country, covered with typical dense coastal vegetation, forming a major portion of the Younghusband Peninsula which separates the inland stretch of water forming the Coorong from the open sea. A small section of the mainland has also been dedicated and added to the national park. Because of the length of the national park, the nature of the dunes and the dense vegetation which covers them, access by land from the bottom of Younghusband Peninsula is extremely difficult. Similarly, access from the seaward side is also extremely difficult owing to the high seas and strong winds that lash the coast for most of the year.

For all practical purposes, therefore, access to the park is limited to small boats, which may be launched into the Coorong from several points along the mainland and rowed across the narrower sections to the opposite

shore. From there the visitor can make his way over the dunes to the sea. In several places rough tracks across the dunes make this somewhat easier. On rare occasions it may be possible for a crossing on foot to be attempted across the narrower sections of the Coorong that have dried out over the summer period.

The District Council of Meningie has requested that a road bed be opened across the park to enable people to travel from Parnka Point to the ocean. Although the National Parks Commission does not generally favour roads being opened through national parks this proposal is at present being considered by the commission but no decision has yet been reached. No part of the Coorong National Park is prohibited to the public.

WARREN RESERVOIR

The Hon. M. B. DAWKINS: On November 12, I asked the Minister of Agriculture to request information from the Minister of Works about supplementing the supply of the Warren reservoir through the Swan Reach to Stockwell main, and about using second-hand pumps. Has the Minister a reply?

The Hon. T. M. CASEY: My colleague has informed me that temporary pumping stations using equipment previously used on the Morgan-Whyalla main were constructed on the Swan Reach to Stockwell main early in 1969. The units were operated during 1969-70 for a period of eight months to augment the supply from the Warren reservoir by an amount of 887,000,000gall. Warren reservoir filled during August of this year and it is not expected that any difficulties will be encountered in meeting the demand of the system.

At this stage, it is planned to operate the temporary equipment for about three months only during the coming summer to provide the estimated augmentation necessary of some 400,000,000gall. The permanent pumping machinery, which is being supplied and installed under contract, is programmed for installation early in 1971 and to be commissioned during the winter of 1971. It will be available for the whole of the 1971-72 summer and thereafter.

CITRUS INDUSTRY

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

Leave granted.

The Hon. C. R. STORY: Some time ago the Director of Lands (Mr. Dunsford) was asked to inquire into the operations of the Citrus Organization Committee. I realize that the Minister is not obliged to table Mr. Dunsford's report because it was made to him, but can he say whether he intends to table it and whether he can give any information about action that may be necessary arising from the contents of the report?

The Hon. T. M. CASEY: I have received a report, which was a Ministerial report, from Mr. Jack Dunsford, Director of Lands, who undertook an investigation into the whole of the citrus industry in South Australia. His recommendations are contained in the report. At this stage the situation is such that I think it is desirable for this report to be tabled, and I intend to do it this afternoon.

GOVERNMENT HOUSE SECURITY

The Hon. C. M. HILL: Has the Chief Secretary a reply to the question I asked on November 10 in which I sought an assurance that the security arrangements at Government House were in order, in view of the unfortunate occurrence at Government House in Sydney some time ago?

The Hon. A. J. SHARD: The guard room at Government House is manned 24 hours a day. In addition, two members perform duty in the main building during normal office hours and extra patrols are provided at night. It is considered that the number of police on duty at Government House at any one time is sufficient to maintain adequate security.

FIRE RISK

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: Fire Brigade officials have warned that, because some of our smart high-rise multi-storey office blocks are inadequately protected against fire as a result of the building boom and our outmoded building regulations, serious accidents could occur if fires were to break out in some of our modern office buildings. Will the Minister who is administering the Act check the accuracy of this statement and, if our regulations are outmoded, will he take steps to bring them up to date?

The Hon. A. J. SHARD: I will make inquiries but I think this matter could well be in the terms of reference that have already been

given to the fire brigade committee. I am not *au fait* with the terms of reference of that committee, because it was set up by the previous Government, and we continued with it. I think those terms of reference cover the point raised by the honourable member but, if they do not, I am prepared to take the matter up and see what can be done.

COOBER PEDY

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: During the recent discussions with miners representing the people of Coober Pedy, one point raised was that insufficient patrolling of the area was done by the police. There are occasions when the appearance of police on the opal field would help, I believe, in curtailing some of the misdemeanours that take place, of which there are quite a number, as the Chief Secretary is aware. Many of the miners are opposed to the bulldozing down of fences and that type of thing, but they find it hard to carry out any policing themselves. They believe that an occasional drive through the area by a police patrol would have a deterrent effect and would lead to some necessary prosecutions. The police pointed out that they believed that this was necessary and they would be prepared to do this patrolling if they were supplied with another vehicle. At present they have a Land Rover, which is often needed within the township itself and, therefore, it cannot be spared to make trips throughout the whole mining area. It appears that, if they were supplied with a utility of the type commonly known as a paddy waggon, they could give much more efficient service. The people of Coober Pedy have asked me to make this representation to the Chief Secretary.

The Hon. A. J. SHARD: The honourable member has raised a question about this district that has been a sore point from the viewpoint of the Police Force over many years. It does not seem to matter what we do in regard to this part of the State: unfortunately, it always has its troubles. Since I have been Chief Secretary (both in the present Government and in the previous Labor Government) the force has been up-dated and strengthened. However, at this stage I cannot say what can be done in connection with the matter raised by the honourable member, but I will refer his question to the Commissioner of Police to get his views on it and I will bring back a report as soon as possible.

CLEARWAYS

The Hon. Sir NORMAN JUDE: Has the Minister of Lands obtained from the Minister of Roads and Transport a reply to my question of last week about clearways?

The Hon. A. F. KNEEBONE: My colleague reports:

The previous Government was apparently not able to solve the question of clearway priorities before it was defeated at the last election. This Government is making good progress, and it is expected that an appropriate announcement will be made shortly concerning the Government's policy regarding clearways.

MILK

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question.

Leave granted.

The Hon. V. G. SPRINGETT: I am not sure whether to ask my question, which relates to the regulations covering the quality of milk supplies, of the Minister of Health or the Minister of Agriculture. I believe that in the metropolitan area milk has to be cooled immediately and, from July 1 next, it must comply with certain tests. However, in the country there is no regulation covering the length of the period of cooling, and I believe that milk will have to undergo a less severe test there. Can the Minister explain why there is one standard for the country and another for the metropolitan area?

The Hon. T. M. CASEY: The honourable member will be aware that all milk that comes into the metropolitan area is under the direct jurisdiction of the Metropolitan Milk Board. Rather than go into the pros and cons of the question at present, I will get a full report for the honourable member.

MINISTER OF CONSERVATION

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

Leave granted.

The Hon. C. R. STORY: As my question, which relates to the appointment of a Minister of Conservation, concerns a matter of Government policy, I direct it to the Chief Secretary. Can he say what the Government's intentions are in regard to the Fauna Conservation Act

(which is at present administered by the Minister of Agriculture), the National Parks Act (which is at present administered by the Minister of Lands), the Fauna and Flora Board (which comes under the jurisdiction of the Minister of Agriculture), and the Native Plants Protection Act (which comes under the jurisdiction of the Minister of Forests)? Can the Chief Secretary say whether it is the Government's intention to appoint a director of conservation, under whom all of these various Acts and the bodies set up under them will be properly constituted?

The Hon. A. J. SHARD: As I am unable to answer the question now because of certain things that took place over last weekend, when I was out of the State, I shall take the question to Cabinet and obtain a decision on what is proposed.

VICTOR HARBOUR

The Hon. C. M. HILL: Has the Minister of Agriculture, representing the Minister of Works, a reply to my question of November 18 about the placing of the name "Victor Harbour" on rate notices in lieu of the name "Port Victor"?

The Hon. T. M. CASEY: I am only too happy to give a prompt reply to the honourable member. This is another such occasion when I shall give him a prompt reply. My colleague advises me that the description referred to by the honourable member is the official description of the land as shown on certificate of title, so that the land which is being rated can be accurately described and identified with certainty. The name "Port Victor" does not, therefore, refer to the town of Victor Harbour but to the subdivision that forms part of that town. This description is necessary as the allotment numbers in it are repeated elsewhere within Victor Harbour.

PEDESTRIAN CROSSING

The Hon. D. H. L. BANFIELD: Has the Minister of Agriculture, representing the Minister of Roads and Transport, a reply to my question of November 11 regarding the placing of a pedestrian crossing on the Main North Road outside the abattoirs for the safety of its employees?

The Hon. T. M. CASEY: The question of the provision of some form of pedestrian crossing on the Main North Road adjacent to the abattoirs at Pooraka has been under consideration for some time. My colleague informs me that four methods of solving this problem have been investigated by the Road Traffic Board in consultation with the Metropolitan and Export Abattoirs Board, the Commissioner of Highways and the Corporation of the City of Enfield. These four methods were:

1. The relocation of the car park on the same side of the road as the abattoirs.
2. The provision of a pedestrian overway bridge.
3. The provision of a pedestrian subway.
4. The rezoning of this section of the Main North Road from 45 m.p.h. to 35 m.p.h.

Normally, pedestrian movements can be accommodated by the use of facilities such as push button lights and/or zebra crossings. However, as this section of the Main North Road is zoned for 45 m.p.h., it is considered that it is not in the best interests of either foot or vehicular traffic to install an at-grade pedestrian crossing. The Metropolitan and Export Abattoirs Board was not in favour of relocating the car park; therefore, it was agreed that a pedestrian overway bridge was the best solution to a difficult problem.

The basic responsibility for the provision of pedestrian facilities along or across roads rests with the local government authority concerned, in this case the Corporation of the City of Enfield. However, the Commissioner of Highways recognizes that his department has some measure of responsibility for ensuring safe and efficient movement of traffic along this main arterial road. In addition, the Abattoirs Board also has a measure of responsibility in this matter, particularly as its parking facilities are established on the opposite side of the road.

Accordingly, in April, 1969, the former Minister suggested that the cost of installing a pedestrian overway bridge be shared equally between the Enfield corporation, the Abattoirs Board and the Highways Department. The responsibility for the design, construction and maintenance of the facility should be that of the council. The respective parties were advised of this on April 24, 1969. Unfortunately, the matter does not appear to have progressed very far since then, and my colleague will again approach the Corporation of the City of Enfield and the Abattoirs Board in an effort to reach some finality.

TOWN PLANNING

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: My question may have to be redirected to the new Minister of Environment; I am not sure yet what his duties will be. Much publicity has been given in the press in the last few days concerning the Planning and Development Act and the question of aggrieved parties affected by that legislation. The leading article in this morning's press deals with this subject. Towards the end of the term of the previous Government, the Director of Planning was requested and authorized to investigate at great depth the advisability or otherwise of third persons or aggrieved parties being given rights within the planning and development legislation in this State. The investigation was to include, amongst other things, a close scrutiny of the position in New Zealand. My question is: has the Government continued with this inquiry; if it has, can an interim report be made available for public perusal?

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

IMPORTED CORNED BEEF

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

Leave granted.

The Hon. H. K. KEMP: Last week in Melbourne it was quite common to see on sale corned beef marked "Packed in Uruguay". I believe this same brand, Hamper brand, is available in Adelaide. Will the Minister ascertain whether there is any possibility of putting a restriction on the importation of such meat from South America?

The Hon. T. M. CASEY: I think the honourable member will be aware that this is a matter for the Commonwealth Government. This same question has arisen with regard to commodities such as cheese and wines and other things, particularly brandy. These matters have often been brought before the Agricultural Council, and there is a good deal of concern amongst the various State Ministers of Agriculture regarding the policy of the Commonwealth Government in this matter. It seems to me that in these days it is rather ridiculous that we are allowing the importation of these commodities into this country in competition with our own products which we can produce so readily and so plentifully. I think the honourable member in his question is adopting a commonsense attitude to the problem. I will take up the matter again with the Agricultural Council and point out that many people in the community view these matters with a great deal of concern.

PREMIER'S DEPARTMENT

The Hon. R. C. DeGARIS: Recently, I asked a question of the Chief Secretary concerning Mr. Claessen, who was the Secretary to the former Leader of the Opposition. Has he a reply?

The Hon. A. J. SHARD: Mr. Claessen applied to the Public Service Board for study leave to read for the Post-Graduate Diploma in Criminology at the University of Sydney. The course extends from one academic year to no more than four. The Public Service Board recommended that, subject to Mr. Claessen's being accepted by the University of Sydney and his being able to complete the whole course in one academic year, he be granted leave with pay for such period provided that no other expense of any sort is incurred by the Government.

LOTTERY AND GAMING ACT

The Hon. Sir NORMAN JUDE: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. Sir NORMAN JUDE: I have in front of me a copy of the Lottery and Gaming Act, 1936-1964, and I also have copies of 11 amending Acts that have been passed. This session we have already had a Bill which, I understand, has passed both Houses and therefore goes on to the Statute Book. We now have yet another Bill on this subject before the Council. Will the Chief Secretary take steps to see that, when the Bill now before Parliament is passed, the Lottery and Gaming Act will be reprinted?

The Hon. A. J. SHARD: This is an Act with which I have had difficulty at times. As I should be quite happy to see the Act consolidated, I shall do my best to comply with the honourable member's request.

AMENDMENTS TO ACTS

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

Leave granted.

The Hon. C. R. STORY: My question concerns the Bush Fires Act and the proposed legislation with regard to fisheries. First,

does the Government intend to bring down amendments to the Bush Fires Act this session? If it does, will those amendments be in the Council in time for them to be considered before the height of the bush fire season? If such amendments are introduced and passed, will the Minister approach the appropriate authorities with a view to having that Act consolidated, because it is in such a tremendous shambles at present that it would take people a great deal of time to get all the pieces together; if people did not have an annotated Act, I believe they would never know what the law meant.

Secondly, the Minister told me last week that he had a draft copy of the Fisheries Bill, that he was studying it diligently, and that he thought he would be able to get it before Cabinet this week. Has he had any success in this matter?

The Hon. T. M. CASEY: The answer to the first part of the question is "No", as time is running out. I will take up the honourable member's question on this matter with the people concerned and ascertain whether, when the necessary amendments are made, the Act can be consolidated. With regard to the second part of the question, I hope that the Fisheries Bill can be introduced into Parliament next week.

UNDERGROUND RAILWAY

The Hon. C. M. HILL: On November 18 I asked the Minister of Lands a question concerning the Government's policy on the proposed underground railway along King William Street under the Metropolitan Adelaide Transportation Study plan. Has he a reply?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport has informed me that the whole question of the underground railway is still under consideration. It was one of the matters not resolved when the previous Government was defeated. As the honourable member should know, this problem is not easy of solution; but as soon as the Government is able to, it will make a statement on the whole of Adelaide's future transportation, including the matter of the underground railway.

DAIRY QUOTAS

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to my question of November 10 about dairy quotas?

The Hon. T. M. CASEY: This is a fairly complex matter and, in view of its importance, with the indulgence of the Council I shall attempt to explain the situation. Following record dairy production in 1968-69, Mr. D. Anthony, Commonwealth Minister for Primary Industry, announced that, because of the difficult marketing situation facing the dairy industry, the Commonwealth might not be able to underwrite its guarantee of 34c a pound for commercial butter in the event of overall production exceeding 220,000 tons of butter and 70,000 tons of cheese in the year 1969-70. He requested the Dairy Industry Council to advance proposals for restraints on production to ensure that these tonnages were not exceeded.

The Dairy Industry Council allotted State production targets which represented a cutback on 1969-70 production for Victoria and Tasmania, a stayput for South Australia, and, in the case of the remaining States, adjustments to bring them more closely in line with production levels that might be expected given reasonable seasons. The cutbacks in Victoria and Tasmania represented reductions of 3.5 per cent on the 1969-70 production.

To ensure an equitable distribution, each factory in Victoria and Tasmania was given a quota, the totals of which would equal each State's allotment. In order to avoid exceeding their quota, factories were obliged to limit milk and/or cream intake from suppliers, on a 3.5 per cent reduction basis related to 1969-70 production. In a review in late October of production in each State for the period July-September, 1970, it became evident that, because of seasonal conditions and a temporary improvement in markets, the targets set may not be achieved, and there could be shortages in relation to market commitments.

Following this review, it was announced that production restraints would be removed for the current year. Since Victoria is the largest dairy State and has been affected by the cutback of 3.5 per cent in production, and as the announcement of the removal of restraints was made in Melbourne, Victorian papers gave the matter much publicity. Since at all times it was considered that South Australia would keep within allotted targets for butter and cheese, no factory quotas were imposed, and there was no occasion for production restraints. For this reason there has been little press publicity in this State.

ALMONDS

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked on November 18 about almond production in this State?

The Hon. T. M. CASEY: I assure the honourable member that the department is well abreast of current trends in almond culture. A revised extension bulletin (No. 16/70) entitled *Commercial Almond Growing* was issued by the department earlier this year and is available to interested persons without charge. I have a copy of this bulletin with me and I shall be happy to make it available to the honourable member. The Director of Agriculture states that, although detailed maps of areas suitable for almond growing have not been prepared for publication, district horticultural officers have an intimate knowledge of areas in their respective districts that could be used for profitable production of almonds.

RAILWAY APPOINTMENTS

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

Leave granted.

The Hon. C. M. HILL: Under the provisions of the South Australian Railways Commissioner's Act the Commissioner is charged with making senior appointments in his department, but negotiations were in train during the term of office of the previous Government to make these appointments subject to Cabinet approval. As I recall the position, an opinion from the Crown Solicitor was being sought by the Commissioner on this matter. Will the Minister ask his colleague whether further action has been taken by the Government or the Minister with regard to this proposed change?

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

EFFLUENT

The Hon. L. R. HART (on notice):

1. What is the cost a thousand gallons of chlorinating the effluent from the Glenelg sewerage works?

2. What is the estimated cost a thousand gallons of chlorinating the effluent from the Bolivar sewerage works?

The Hon. T. M. CASEY: The replies are:

1. About 1.1c a thousand gallons.

2. About 1.1c a thousand gallons.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Ascot Park Primary School (Replacement),

Norwood High School Additions,

Tea Tree Gully Primary School (Replacement).

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Medical Practitioners Act, 1919-1966. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

Its object is to render it compulsory for all existing and future specialists to register as specialists in their particular branches of medicine in the Specialist Register maintained by the Medical Board of this State. The need for such a provision has arisen as a direct result of the recent Commonwealth National Health legislation, which has set up its own Specialist Recognition Committee in each State. A warning was given by the Commonwealth Minister for Health that some medical practitioners in this State, who are not registered on the State Specialist Register, would be recognized and registered as specialists by the Commonwealth committee, for the purpose of the medical benefit scheme. Such a situation has in fact arisen since the latter committee commenced its operation in this State some few months ago. In order to prevent the chaos that will ensue from two bodies operating independently and at times divergently and to preserve the autonomy of the State Medical Board in the field of specialist registration, there is no alternative but to make it compulsory for any practitioner who practises or holds himself out as a specialist in any of the specialist branches of medicine to register on the State register as a specialist in that branch of medicine. The State register was set up for the benefit and information of the public and the medical profession in this State and, therefore, it should not be allowed to be by-passed and so lose its value to the community.

I point out that Queensland, the only other State with a specialist register, has a provision similar to the one contained in this Bill. Both New South Wales and Victoria have indicated

that draft legislation setting up similar registers with compulsory registration is under consideration. This proposed amendment has the full support of the Commonwealth Director of Health, the Director-General of Medical Services and the Medical Board of this State. I shall now deal with the clauses of the Bill.

Clause 1 is formal. Clause 2 enacts and inserts new section 29c in the principal Act. Subsection (1) of this new section provides that it shall be an offence, on or after a day to be fixed by proclamation, for a medical practitioner to practise, hold himself out, or do anything that may imply that he is qualified as a specialist in any specialist branch of medicine unless his name appears on the Specialist Register with respect to that branch of medicine. A penalty of $200 is provided. Subsection (2) provides that subsection (1) shall not apply to a practitioner exempted by the Medical Board under subsection (3). Subsection (3) provides that a medical practitioner who is practising as an unregistered specialist and who has not the necessary qualifications to enable him to be so registered may apply to the Medical Board within the six months after the Bill becomes law for an exemption from the provisions of this new section, and that the board may grant such an exemption on grounds that it thinks are good and reasonable and subject to any conditions it thinks proper.

These latter two subsections have been included to cover the situation that the Medical Board believes may arise with respect to one or two specialists who did not apply for specialist registration under a now repealed provision of the principal Act, and who would, therefore, unavoidably be guilty of an offence under this new section 29c. Such a practitioner does not have the registration qualifications required by the Act as it now stands but is, in fact, a recognized specialist and undoubtedly will be registered as such by the Commonwealth Specialist Recognition Committee. It is envisaged that registration by the latter committee in a case where an applicant is not qualified to register on the State register will constitute "good grounds" for the board to grant an exemption. A limit of six months has been provided for an application for exemption, as only a practitioner practising as a specialist immediately before the Bill becomes law may apply.

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

UNDERGROUND WATERS PRESERVATION ACT AMENDMENT BILL

Read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2856.)

The Hon. G. J. GILFILLAN (Northern): I rise to speak to this Bill with some regret, first that such legislation should be before the Council at all, as I do not believe in succession duties as a legitimate means of raising revenue since we are living in times when the impact of capital tax is being increasingly recognized as a deterrent to the expansion of the State in primary and secondary industries alike and in commerce. This, in turn, affects all those who are employed in these various industries. I speak with regret also because I believe this Bill should not be brought before Parliament in the dying hours of this session. It was introduced in another place last week; the second reading was given on one day and the Bill was passed on the following day. That gave members of that place insufficient time in which to examine it properly. It has now been in this Council for about a week. This type of legislation deals with people's lives, and any mistake in it will not be merely a minor fault in legislation that can be corrected. Any unfair imposition is, in effect, a life sentence on those affected by it. Sufficient time should be given for legislation such as this to be examined by all those people who are interested, and certainly that time is not available in the dying hours of this session with the large legislative programme that we have before us.

The people reponsible for introducing revenue measures (the Treasury officials) are experts in their field but their personal loyalty is to balancing the State's revenue. It is their first duty to try to keep the revenue coming in as quickly as the Government spends it, and therefore their first consideration is not the problems of the people affected. However, Governments and members of Parliament have a responsibility in this field, and in particular, the Legislative Council, as a House of Review, should be able to give proper consideration to this measure because it not only affects the lives of people living today but will affect the lives of generations to come. Therefore, as we have been forwarned that this session will continue in February of next year, I do not intend to vote for this measure if there is to be an

attempt to push it through in the next few days. If it is held over until the new year, I may be prepared to consider any amendment that could, if properly framed, improve not only this Bill but also perhaps even the present Act. Certainly, I am not prepared to vote for this measure until members of Parliament and the experts in this field outside Parliament, who in turn are also interested in the effects of this legislation on people, have had a proper opportunity to examine its full impact.

It is a most complex Bill. It alters the very foundations on which many estates have been lawfully established. Because the principles of the principal Act are being altered, the impact of this Bill is difficult to judge precisely. It is easy to put up hypothetical cases showing where some remissions may be given, but the plain fact is that this Bill increases revenue from succession duties by about 25 per cent.

Because there are few very large successions in any one year, the Bill's main impact will be on the ordinary citizen and the man in primary or secondary industry. In fact, I do not think we should be considering a measure to increase succession duties at all: because of the depreciation in the value of money, we should be considering how to lessen the impact of this type of taxation. The Government should also be watching its own expenditure. Year after year the Auditor-General's Report criticizes Government spending; the Government claims that that spending indicates expansion and progress, whereas the Auditor-General says that in many cases the Government is not giving sufficient attention to value for money.

This year the Government has considerably more money to spend than any previous Government in the history of the State; these increased funds result from the carry-over from the previous Government's term of office of a credit in Consolidated Revenue Account, from a carry-over in Loan Account and from considerably increased Commonwealth aid. Yet in a year when the Government has such a large increase in funds available it is imposing this burden on the people concerned in the development of the State. When the additional sum that will be raised by this Bill is compared with the size of the whole Budget, we realize that the increase in Government revenue resulting from this Bill will in no way compensate for the misery that the Bill will cause.

The statement that the Grants Commission may deal favourably with South Australia's application because this State has attempted to increase succession duties is only conjecture: no such statement has been made by the Grants Commission. Actually, any comparison of the rates of succession duties per capita in South Australia with those in the other States is not valid: a direct comparison cannot be made because of the very different circumstances applying in other States, particularly in connection with the values of properties and the ownership of business by non-residents. If an overall attitude is to be taken to this whole question, why should we not phase out land tax, as the Eastern States are doing?

When we approach the Commonwealth Government for more aid, will that Government be pleased if we have increased the difficulties of those in private enterprise, particularly those on the land, whom the Commonwealth Government is desperately trying to rehabilitate? It is possible for Governments to advance almost any type of hypothetical argument to increase revenue but in this case we see the intrusion of a Party policy that has existed for decades. Within the present Government there are men of responsibility with commercial experience who must know that this type of taxation will be ruinous to the future development of privately-owned businesses in this State.

The Hon. R. C. DeGaris: Do you think the public is aware of the impact of this Bill?

The Hon. G. J. GILFILLAN: No; that is one of the most important reasons why this Bill must not be hastily dealt with. The public is only just becoming aware of the dangerous implications behind it. The statements that have been made about remissions have lulled some people into a sense of false security and into thinking that their position may be improved. It is only when we study where the remissions occur and the amounts involved and link that to the alterations to the aggregation principle and the very steep increases in the rates of taxation themselves that we realize just how seriously this Bill affects the ordinary person.

Much has been said about the impact of this Bill on primary producers and on enterprises depending on them, but I should like to deal with some other groups affected by this Bill. The first such group is one which is possibly the most unaware of what is happening; I refer to young married couples who have just bought a house as joint tenants. In doing this

they have taken the first positive step toward ultimately feeling the impact of this type of legislation, with its aggregation principle. These young people no doubt have an ambition to better their position. After buying a house the breadwinner will probably take out a life assurance policy to give his wife and family some security. There will also be a car, furniture, and some money in a savings bank account, and it will not be many years before the couple will have an estate that will feel the impact of this Bill.

Because of all the legislation we have had before us in the last few weeks, including the Bill dealing with shopping hours, this Bill has not received the amount of publicity it should have received. As a result, there has been much confusion in the public mind because of statements made by leading Government members, including the Premier. We have heard such terms as "large estates" and "high income groups", when in fact those terms are not relevant; what we are really talking about is successions, which need not have any relationship to large estates or large incomes. In fact, in the primary sector the size of the succession bears very little relationship to the income derived from it, as the Hon. Mr. DeGaris very clearly showed in his speech.

The Hon. R. C. DeGaris: The income could be nil.

The Hon. G. J. GILFILLAN: Yes. I deplore this attempt to confuse the issue. We hear statements about "loopholes" or "flaws" in the principal Act, and Government leaders claim that advantage has been taken of those so-called loopholes and flaws. However, they are not loopholes at all: they have been the law, to the best of my knowledge, for as long as the principal Act has been in force. For all that time estates have been lawfully established because certain successions have been recognized as necessary for the continuation of the family unit and for the survival of privately owned business.

The inference again that the money will be coming from large estates is also misleading. As I said earlier, there are very few large successions in any one year. The bulk of this increase will fall on the average person, particularly the family of the ordinary man who dies while still comparatively young. As much has been said about the impact of succession duty and the tragedies that occur within families, I shall not go over that ground again.

However, I believe that the present Bill is immoral. I again refer to accusations of the planning of large estates or successions to reduce the impact of duty as dishonest and as though there is something dishonest in people saving money to help their families. The wives and families of members of Parliament are protected by a Superannuation Act that ensures that the wife and family, should anything happen to the member, receive a non-dutiable income free of succession duties.

If members of Parliament are going to increase the imposition of this type of taxation they have a duty, first of all, to put their own house in order. I think it is completely immoral that members of Parliament should be increasing a tax on a section of the community when, by Act of Parliament, a superannuation scheme enables their own families to be provided for free of duty. The superannuation field appears to be a sacred cow that must not be touched at any cost. Within the Public Service are people with high incomes who are able to leave their families well provided for and who escape to a large extent the type of imposition that the Government is now attempting to apply to the private sector.

A person in the private sector is unable to take out a form of insurance to cover his family without being caught by aggregated succession duties. I do not wish to be misunderstood on this point: I am not suggesting that there should be a heavy impost on high superannuation benefits, but I am suggesting that, if the Government persists in attempting to increase revenue as a result of this legislation, it should, first of all, put its own house in order as far as members of Parliament are concerned. That should be done before any further imposition is placed on the private sector. I will not support the Bill if an attempt is made to force it through Parliament in the remaining days of this year. However, if it is intended to hold the Bill over until February for further consideration, I will support the second reading to enable it to be considered in Committee.

The Hon. A. J. Shard: Is that an ultimatum?

The Hon. G. J. GILFILLAN: No; a fair statement.

The Hon. JESSIE COOPER (Central No. 2): I do not propose to speak at length on this iniquitous Bill. I merely wish to make a few brief points that should be borne in mind in any debate concerning an increase in succession or death duties in Australia. First, succession

or death duties were introduced in Great Britain for the purpose of breaking up big estates, and so of redistributing wealth. Secondly, this pattern was copied in Australia when it was believed that Australia needed to break up big holdings for closer settlement. Thirdly, this process in Australia has now gone too far, as must be obvious to all honourable members who listened to the examples given last week by the Leader and by the Hon. Mr. Kemp. Today, Australia has learned the sad lesson of holdings that are too small, especially in the dairying and the grazing industries. Experts tell us that these holdings have been broken up unwisely and that we now need a recombination of properties.

Fourthly, the practice has been maintained by Governments as a tax to obtain easy money and has been retained by some Governments as a disguised tax on capital. Fifthly, in secondary industries, the picture is just as grim. By virtue of these succession and estate duties, individual Australians are holding a smaller and smaller percentage of equity in our businesses and companies; outsiders with more capital are coming in and purchasing more and more of our wealth-producing industries. Today, most of our largest businesses and rural properties have sold out much of their equity to foreign ownership.

Sixthly, the saving and investing sections of our community that used to be praised as being thrifty have been bled too much and their holdings have been broken up too frequently. Are we going to continue and intensify this senseless process? If Australians are to own any reasonable proportion of their own old wealth, won by much effort and endurance, and if they are to own any reasonable proportion of their new wealth that is the envy of the mining world abroad, then the process should be reversed. Seventhly, we will be told, as always, that the Government must find the money somewhere. Certainly! Why then the daily announcement of non-productive extravagances in many fields? Why, for example, the heavy expenditure from the public purse on the Government's departmental public relations?

Finally, I consider that death and estate duties have already done inestimable damage to the structure of private industry, both primary and secondary. In fact, I believe that the damage that has resulted from the imposition of these duties will be hard to repair. I do not approve of the present imposts and will not, in any circumstances, vote for their increase. Therefore, I oppose the Bill.

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

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2753.)

The Hon. C. M. HILL (Central No. 2): The Bill's purposes were explained by the Minister in his second reading explanation. He stated, as the first reason for the introduction of the measure, that it was to provide for reduced rates to apply to land used for primary production. He said that the second purpose was to provide for a surcharge on metropolitan land for open space projects and development, and there are a number of machinery measures, too, in the Bill.

I think the most significant point in the reasons for the introduction of the Bill is that it clearly states that it provides for a reduced land tax rate. There is a feeling abroad (I have sensed it in the metropolitan area and I have also sensed it when speaking to people from rural areas) that one of the objects of this Bill is to reduce land tax.

However, that is not stated, and I do not believe that the Bill will reduce land tax. It is simply reducing the rate, and one cannot be certain whether it will reduce or increase land tax, or be certain of the proportions by which that tax might be reduced or increased, until one has some knowledge of the assessments that apply to these proposed rates.

It becomes abundantly clear that we in this Council are simply groping in the dark when trying to assess the actual land tax payable by the landowner until we know what those assessments will be. I think that matter really ought to be resolved before we proceed much further with the measure. It seems ridiculous, to say the least, that we should be talking about reducing the rate of land tax when we know that there is a new assessment due as from July 1 next year, that that assessment will apply for the five years thereafter, and that the department has some records and information concerning this assessment; yet the people that will be affected by it have not yet been told what it is.

That is the first point I make. Surely we must be informed on these things and the people must be informed as to what their assessments will be before we decide whether

or not the proposal in the Bill to reduce the rate by up to 40 per cent is a fair adjustment in view of the circumstances in rural industry.

The second point concerns the surcharge imposed under the Bill. My overall view on this question is that if the Government wants to impose a surcharge on metropolitan land, that is fair enough. I know that it is the Government's policy because I read it in the policy speech. However, I feel that when this surcharge is collected by the Government it ought to go into the Planning and Development Fund that has been set aside for the purchase of open spaces in accordance with the Metropolitan Development Plan. Those open spaces will serve metropolitan people now and in the future, and if metropolitan people are going to pay a special fee for that purpose, charged against their land in the metropolitan area only, I think Parliament should endeavour to see that that money is allocated to that particular fund for that specific purpose. As I read the Bill, the money simply goes into the general revenue of the State.

Some of the general machinery measures in the Bill have my complete approval. One of the points that I think highlights the lack of depth in the actual research into the Bill concerns the new definition of "unimproved value". This is a very important point, and I think it is one that could escape the notice of some people in view of the highly important aspect of rural land and the need to reduce the land tax and the land tax rate on that land. The question of unimproved value is dealt with in clause 4. The Minister, in his second reading explanation of this point, said:

A new definition of "unimproved value" is inserted in the principal Act. This definition is necessary in view of the recent decision by a magistrate interpreting the present definition in the principal Act. The magistrate held that even where reclamation work had been carried out on land many years ago an allowance for that kind of work should be made in the assessment of unimproved value. This in many instances must necessarily cast an impossible burden upon a valuer who is, after the passage of many years, in no position to ascertain what, if any, work has been carried out in connection with the reclamation, excavation, grading or levelling of land or other like improvements. In consequence, the definition of "unimproved value" is amended to exclude (except in the case of land used for primary production) site improvement of this nature to land. Under new subsection (2) the new definition is deemed to have been in force since the commencement of the principal Act so as to preserve the effect of existing valuations.

The point is covered in clause 2 (*d*), which defines the new definition of "unimproved value" along the lines that I have just quoted. It gives another definition for "improvements" and another for "site improvements". There is a third subclause that deals with the question of unimproved land being valued where home units and strata titles are involved.

The history of this matter of metropolitan land goes back a long way. I can remember that some 10 or 15 years ago when I was discussing valuation matters with the late Mr. Clem Matters, a prominent, efficient and highly reputable real estate valuer in this State, he told me that there would come a day when all the land along the beach suburbs would come under challenge regarding their unimproved values, because he believed that as the Act stood a case could be proved that the unimproved value meant the value of the land in its original state when, one might say, the first settlers arrived here.

There had developed over the years a practice of valuers valuing for unimproved value on the basis of taking property and its total improved value and deducting from that the value of the site improvements, those site improvements being the house, the fencing and other garden treatment, and so forth. However, valuers had never made further deductions for land filling and reclamation and that kind of work that originally was done right along the beach suburbs.

His prophecy has come true. As the Minister has said, a challenge was made in the Port Adelaide court, where Mr. B. R. Crowe, S.M., heard a case which resulted in the whole assessment for the Port Adelaide City Council being quashed. The local government assessment, when it is based on an unimproved value principle under section 5 of the Local Government Act, follows the Land Tax Act assessment valuation. What happened at Port Adelaide was that the special magistrate held that the true meaning of "unimproved land" in accordance with the Act was the land as it existed in the Port Adelaide district when people first arrived there. He pointed out that about 70 per cent of that land was in swamp-land condition at that time. The assessment based on unimproved value, on the principle that has been accepted in recent years, was not a true assessment.

The change being effected in this Bill is made retrospective, so that all other assessments for unimproved land in metropolitan Adelaide will not be able to be quashed, if the Bill is passed,

and, in future, unimproved valuation for metropolitan land will be based on the improved value less the value of site improvements. This is an accurate method by which the true unimproved value can be reached, whereas the old principle (and the principle still applying for rural land) presents an urgent problem, because it is an inaccurate way of approaching an assessment. It seems to me to be a great pity that, whilst the Government had the chance to change the definition of unimproved land, it did not change it to apply to land throughout the State, that is, for unimproved land in the metropolitan area as well as rural and country township land. A major problem has not been overcome by this Bill.

The problem can be highlighted by the fact that it is impossible for valuers to know the state of rural land in its original unimproved condition. They do not know the extent of stones on the land, in the Mallee, for example, as it appeared 100 years ago. A valuer knows and uses the cost of clearing, but he does not know the exact original condition of the land. The same applies to clearing land of vegetation, because he does not know what the condition of the land was 100 years ago or the extent of the vegetation on it then.

The position becomes ridiculous in some cases when a valuer has to make an assessment of the improved value: he subtracts from it the cost of clearing the land, of levelling it, and of shifting stones, and finally finishes with a minus figure for its unimproved value. Here, the Government had the chance to put the position right, but it has not done so. It is easy for valuers to assess the value of country land without site improvements, because there are comparable sales to assist them. Using that as a basis of comparison an accurate unimproved value can be obtained.

I am not suggesting that, if the change were made, the present rates for taxes should still apply: there would have to be a complete revision of all rates. It seems so silly that in the Bill unimproved value is corrected and properly and adequately defined from the point of view of efficient valuation for metropolitan Adelaide, but the problems surrounding the valuation of country land in its unimproved state in accordance with the old Act have not been considered at all. This is a serious problem for the valuer.

I believe the question was not referred to the Commonwealth Institute of Valuers in recent times, when the Government drafted this Bill and decided on the change. Had it been submitted to that professional body I am sure that suggestions would have been made and that all the professional valuers of this State would have been happy and satisfied with the change, and that a far more accurate assessment of unimproved values would have been possible.

With regard to the question of unimproved valuation as it applies to a home unit, I have no quibble with the provision in the Bill. I turn now to the proposed reduction in the rate of land tax for rural areas. It is proposed that in view of the circumstances in the country today a 40 per cent reduction in the rate will be permitted up to an unimproved figure of $40,000, and thereafter a rate of 2c for every $10 shall apply. Again I stress the point that one cannot say that there will be any benefit until one knows what the assessment will be: the whole question will hinge on the assessment. That the Government has been trying to help in this regard is evidenced by the Minister's reference to this matter in his second reading explanation, when he said:

A new valuation of all and subject to tax will apply after June 30 next and, since it will be five years since the present levels of value were determined, it is to be expected that these will be generally higher than at present, possibly by about 30 per cent on average. In the earlier stages of the revaluation it had appeared that the increase in value of rural lands would have been appreciably greater than this, but the Government on assuming office called for a revision in the light of the recent fall in prices of primary products and the consequent fall of rural land prices. As a consequence of this revision the rural land revaluations have been reduced below the preliminary figures by something like one-third on average.

Some endeavour is being made to make adjustments, but statements and figures circulated by the Chief Government Valuer (Mr. Petherick) indicate that in some areas a reduction of 40 per cent will be made in the assessments. These figures were quoted and explained in detail by the Hon. Mr. Story so I shall not repeat them. The Chief Government Valuer indicated that, whilst there were to be some reductions, there were also to be some gradings in margins between these greatly reduced areas and areas where assessments have been increased. In other words, the difference in the assessments is not to be stark to the point of a great reduction along a certain boundary line. The question still remains that no-one knows what these assessments will be. Figures supplied by the Chief

Government Valuer also indicate that there will not necessarily be a reduction, and the examples highlight this point.

Two examples were given by the Chief Government Valuer of properties in Virginia, one new actual tax based on the assessment and based on these proposed reductions of rates in this Bill, and, at the column with which I am dealing, one amount of land tax was down and one was up. In the Port Gawler area five examples were given, of which four were down and one was up on the previous amount payable in the year 1966-67. In the Adelaide Hills area three examples were given, all being up on the amounts paid in the previous year.

On Yorke Peninsula three examples were given, one being down and two being up. In the Mid North two amounts payable were down and one was up. On Eyre Peninsula the three examples given showed an increase in tax payable by the landowner. On Kangaroo Island three examples were given; in one case a nil amount was due and in the other two cases there was an increase in the tax actually payable.

In the southern Murray Mallee three examples were given, two of which had increases in the payment of land tax while the other one had a decrease. In the northern Murray Mallee area, the two examples showed a decreaese. In the southern part of the South-East the three examples showed an increase in tax payable, and in the northern part of the South-East the three examples also showed an increase. So that is a change, and it has to be accepted; but, based on those figures, one can assume that overall there will be an increase in the total amount of land tax that will be payable in the year 1971-72.

This again highlights the need for the people who have this tax imposed upon them to be in a position to know what the Government claims their assessment is and to appeal against that assessment before we start fixing a particular rate. The clause dealing with this matter also deals with the aggregation of tax. This has always appeared to me to be a grossly unfair form of tax when the person who has two parcels of land in his own name is taxed at a very high rate on his total holding compared with the rate he would pay if he held only one of those parcels.

From my limited experience in business here in Adelaide, I know there have been instances of people from other States turning away from coming to establish here because of this aggregation of holdings for land tax purposes. This especially applies to interests whose operations necessitate the purchase of various freeholds throughout the State.

The landowner in this situation is not, by this Bill, given the relief I should like him to have, to the same extent to which relief is given to a person who has one holding only. As an example, for a person with a holding of rural land in one parcel totalling $50,000 the present tax is $300. Under this proposal, that will be reduced to $200, which is a reduction of 33 per cent. But, if that same person owns two properties and therefore has two separate assessments, each of $50,000, the reduction is only 18 per cent, not 33 per cent. So, in respect of aggregation, I repeat it is a pity that the rebate proposed in this measure cannot apply to people in rural areas no matter how many separate assessments they have.

I move on to the surcharge, which is dealt with in clause 6. The Government expects to apply this surcharge to about 300,000 allotments of land in metropolitan Adelaide. It hopes to raise about $600,000 by this means of new taxation. Some examples are given by the Minister. People with relatively cheap land will be either exempt or charged at a very low rate. I have no quibble with that. I do not mind those people who find it a hardship to pay even a small amount of money like this being exempted, but the figure increases. For example, there has been much publicity about the average of $2 an allotment being the new surcharge.

The person with land in metropolitan Adelaide of an unimproved value of $10,000 will find that the amount of land tax to be paid on that will include an extra $5: the present tax is $20 and the proposed surcharge is $5. But the big jump comes when we deal with land valued at $50,000, in which case the surcharge increases to $25, which means a total payment of $325 in land tax.

I oppose the principle of this Bill. In my view, there is no need at present for this tax to be levied. To support this claim, I submit that there are two purposes for which the money can be used—through the Public Parks Fund and through the Planning and Development Fund. I believe it should go into the Planning and Development Fund but, if the Government wishes to consider the two funds, I notice from the Auditor-General's Report recently released that the Planning and Development Fund has a credit balance, at June 30 of this year, of $324,162, and the Public Parks Fund (from which aid is given to councils

for the purchase of reserves) has a credit balance, again at June 30 of this year, of $475,462. So both funds are in ample credit and one can only question the need to raise an extra $600,000 at this point of time.

If land was being offered, if contracts to purchase were in existence and if both funds were short of money, the grounds for such a tax as this would be much stronger than they are at present when both funds are in credit to an appreciable degree. Surely this money should go into the Planning and Development Fund and not into general revenue. It is not fair that a person in metropolitan Adelaide should be charged a special tax of this kind for open space development and that that money should be used, as it may well be, for example, to develop a park in Port Augusta.

This is a matter that involves the metropolitan development plan, under which a huge acreage of land in the Adelaide Hills is set aside for future open space. Gradually it will be acquired and will be enjoyed in the future by most people living in metropolitan Adelaide. Only those people are being taxed under this Bill to provide money, and it is proper that that money should be used for that particular purpose. Indeed, some years ago that must have been the intention of the present Government. In his policy speech in March, 1968, the Hon. D. A. Dunstan said:

We cannot allow the opportunity to go by and then curse ourselves at a later stage that we no longer are in a position to provide the open space and recreation areas vitally necessary for the future metropolitan development. Therefore, as has been done in Perth, it is proposed to impose a special extra land tax in the metropolitan area of Adelaide to provide moneys towards the purchase of open space and recreation areas within that area and for the use of its citizens. This will mean an increase in land tax for the average suburban blockowner of between 30c and 50c per annum.

So, it was clearly the intention in 1968 that this money would be used for that purpose. It should therefore be obligatory that the money be placed in that fund. Regarding clause 7, I would have thought that any declaration of rural land would be revoked automatically when that land was compulsorily acquired under the Land Acquisition Act. It may well be that some authority that has purchased land may still be charged land tax, although I cannot think of any such authority myself. Consequently, I ask the Minister to give some further explanation of the need for clause 7.

I support clause 9, which provides that, instead of interest being charged on unpaid land tax, a fine of 5 per cent should be imposed on the amount of any unpaid tax. I support clauses 11 and 12, which provide for a more businesslike approach to the principal Act.

Regarding the Bill as a whole, I do not think it is fair to fix a rate for land tax that purports to assist rural people until those people know what their assessments are. It would not be a big job to send out those assessments; all metropolitan people, to the best of my knowledge, already have their assessments.

The Hon. Sir Norman Jude: They have not recovered from them yet.

The Hon. C. M. HILL: I agree. Disclosures were made about the calculation of the new assessments very early this year. At that time rural land tax was to increase from $1,100,000 to $2,200,000; in other words, it was to be doubled if the Government of the day did not make any change at all. As about nine months have elapsed since that time, the department must surely have had a chance to settle any adjustments with the Government and send out the assessments. When rural landholders receive those assessments they should be given the right of appeal. We would then see whether the Government was genuine in its statement that it desired to assist rural people.

I repeat that the surcharge on land tax in the metropolitan area should go into the Planning and Development Fund. Finally, I know I echo the sentiments of some senior members of the Commonwealth Institute of Valuers when I say that it is a pity that the Government has not grasped the opportunity to define exactly what is unimproved land in rural areas in such a way that accurate valuations can be made.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2769.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Last week I moved that the debate on this Bill be adjourned after listening closely to the speech of the Hon. Mr. Hill. Working as Leader in this Council and sharing the services of a typiste, but with

no assistance on research, I find it impossible to research every Bill that comes before us. I must rely on honourable members doing their research privately before speaking to Bills. Suddenly we find our Notice Paper with a long list of Bills, many of which are highly complicated and require detailed analysis.

The Succession Duties Act Amendment Bill, the Land Tax Act Amendment Bill, the Stamp Duties Act Amendment Bill, the Wheat Delivery Quotas Act Amendment Bill, the Bills of Sale Act Amendment Bill, and the Commonwealth Powers (Trade Practices) Bill—to name a few—all need deep analysis and intelligent comment from honourable members. Without assistance on research, there is much pressure on me as Leader. I know that private members, too, have a responsibility to do their own research but, as Leader, I think I should take slightly more responsibility in connection with Bills that pass through this Council. Last week I secured the adjournment of the debate on this Bill after listening closely to the Hon. Mr. Hill's speech, which aroused my curiosity.

The Bill increases the duties on premiums on workmen's compensation insurance by a fantastic amount. At present in the principal Act two rates are applied to the premiums. In the first place there is a rate of $1 for every $200 of net premiums on life assurance policies and personal accident policies. There is a duty of $10 for every $200 of net premiums on other types of insurance. Hitherto, workmen's compensation insurance has been looked on as personal accident insurance; therefore, it was liable for a duty of $1 in every $200 of net premiums. However, the Bill takes workmen's compensation insurance from one category and places it into the higher-duty category: the premiums will now be liable to a duty of $10 for every $200 of premiums.

Making comparison with other States, I find that the duty on workmen's compensation will be the equal highest in Australia. The duty on workmen's compensation premiums will be 66 per cent up on that applying in Queensland; 66 per cent up on that applying in Western Australia; and well up (I think probably more than 66 per cent) on that applying in New South Wales. I could not quite get the New South Wales figure, because it is based on a totally difficult system of levying the duty. However, honourable members may take my word for it that it is considerably up on the levy in New South Wales and that we are equal with the duty in Victoria.

We all must accept the fact that these States, New South Wales and Victoria in particular, have a much greater tax potential than has South Australia. I have already made the point in other debates that a Commonwealth Government document shows that the ability of South Australia to levy taxation on its people is considerably lower than it is in New South Wales and in Victoria. The next point I wish to make is somewhat akin to the point made by the Hon. Mr. Hill in the debate on the Land Tax Act Amendment Bill, namely, that the Government has already indicated that it intends to introduce a new Workmen's Compensation Bill that will be the most advanced and comprehensive in Australia. Those people to whom I have talked on this matter have assured me that the cost of premiums could rise by 50 per cent as a result of this new Bill.

A somewhat similar situation applies to land tax, where the new rate is being set down and a new assessment is about to be introduced. The rates of duty on workmen's compensation insurance in South Australia will increase by 1,000 per cent; that will be followed by a possible 50 per cent rise in the base from which that duty will be levied. For some time we have been subjected in the Council to a rather witty interjectionist who keeps on saying, "You can't have it both ways." If he looks at this matter, he will see that the Government is having it both ways.

The rise in taxation or duty to the Treasury as a result of this one measure on workmen's compensation will net it about $500,000 a year. If we accept the fact that the rise in premiums will be possibly 50 per cent, the increase in duty raised by the Treasury as a result of this one measure alone will be about $750,000. At present, the amount of revenue raised from duty on workmen's compensation premiums is about $50,000 a year; so an increase from $50,000 to $750,000 in duty on that type of insurance is not bad going. One may well ask the question, "Who really pays?" It is the community that pays the increased costs.

The next point I wish to touch on is that the Bill also raises the duty on life insurance premiums. While it is difficult to make comparisons with other States, I have tried to do this and I think my figures are reasonably accurate. At present, life insurance premiums attract a duty of $1 for every $200 net premium; this is doubled under the Bill. The highest duty on this type of insurance already

applies in South Australia. The doubling of this duty makes us outstandingly the highest taxed State in this regard.

I point out once again that each State has a different system of levying the duty, as was pointed out by the Minister in his second reading explanation. For comparison, I have taken a whole-of-life policy taken out by a person in South Australia, say, a policy of $10,000 where the premium is $400 a year. The policy would be for a person, say, of the age of 40 years. The duty on that policy in New South Wales, Victoria and Tasmania is 30c a year, whereas the South Australian duty on that policy, as a result of the change in the Bill, is $4 a year, which is about 1,500 per cent higher than the duty in the other States.

Western Australia has a very sensible system: it has no duty at all. The second reading explanation on this point was this year's classic example of understatement. The Minister stated:

There is therefore no direct measure of comparison. Nonetheless, the proposal now made to double the rate of duty to be applied to life assurance premiums will probably mean that the proposed rate will be rather more severe in South Australia than in the other States in the immediate future.

I point out that "rather more severe" is about 1,500 per cent higher! I wish to follow very quickly the argument I raised in the debate on the Succession Duties Bill now before Parliament. I ask again: what is the position with regard to duty on matters such as this as far as certain superannuation schemes are concerned? What is the situation with regard to duty on the members of Parliament's own superannuation scheme? I wish to draw the comparison again with a person in private employment, a person in a business or a person on the land who takes out a life insurance policy, as a normally prudent person should do, to protect the widow and family against any unforeseen event.

I want to assume that this person takes out an insurance policy so that his wife may have an income of $15 a week for the rest of her life. That would fall roughly into the category of a policy of about $10,000 for whole-of-life insurance. Under this legislation and under the present Act (if the duty is doubled in the legislation) $4 a year duty would have to be paid on that premium. Yet other people in superannuation funds could find their wives protected—with up to $45 a week in regard to members of Parliament—and no duty whatsoever would be levied on that premium. This is really a tax on savings. After duty is paid on a life insurance policy, duty is then payable once again, under the succession duties legislation now before us, on the death of the person taking out that policy. This duty could be up to 30 per cent, 40 per cent or 50 per cent of the value of the property.

It seems to me that we, as a Parliament, are adopting policies that are designed to "belt into" people in our community who are prepared to provide for themselves and their families, whilst others in the community escape completely the impact of these duties. I ask again: who pays? The person who pays is the person who is prepared to make sacrifices during his life in order to provide for his own retirement and to provide for his wife and family if any unforeseen event occurs. However, there is quite a paradox in this. The Minister, in his second reading explanation, said:

If South Australia is to expect to obtain assistance through the Commonwealth Grants Commission to enable it to function at a standard equal to the other States and to provide its citizens with social services equal to those in other States, it must be prepared to tax its citizens as heavily overall.

So we turn around and tax more heavily those who are attempting to provide, as an individual responsibility, so that we can provide more social services. At the same time, we create more people who will require social services and, therefore, we need to increase duties on this remaining group. I submit that this is a complete paradox. It is a vicious circle that is self-defeating.

I challenge once again the statement in the Minister's second reading explanation that we must be prepared to tax our citizens more heavily overall so that we can obtain more from the Commonwealth Grants Commission. That is the second time that this statement has appeared in a second reading explanation, and I repeat that in my opinion it is complete nonsense. I ask the Government to consider my submission for the complete removal of duty on life insurance policies, as has been done in Western Australia, in view of the fact that the duty in South Australia is so much above the duties in the other States. I believe that the case I have put forward is completely reasonable. To my mind, there is no reason why there should be duty on life insurance premiums, which are, in many respects, only another form of saving. I ask the Chief Secretary to have a look at this question and

see whether he can agree with my submission that in all fairness the impost of duty on life insurance premiums is not justified. Another matter to which I would like to draw the Chief Secretary's attention concerns clause 3, which states:

Section 31b of the principal Act is amended by striking out from the definition of "credit arrangement" in subsection (1) the passage "an annual rate of 9 per centum" and inserting in lieu thereof the passage "such annual rate as may from time to time be prescribed".

I am a little concerned about this. At present, the Act provides that, when the rate of interest is 9 per cent or above, certain duties are payable. I would assume that the reason for this alteration is that as the bank rate is rising it may be necessary to alter this provision. Also, I would assume that any rate could be increased by regulation. If that were so, I would not be quite so worried. However, I point out that this would also give the Government the right by regulation to lower the prescribed rate of interest, which would mean that stamp duty would be payable for any transaction where a rate of interest of lower than 9 per cent applied. I believe that this deserves some reply. Therefore, I ask the Chief Secretary to say what is the real reason for this provision and why it should not be written into the Act? Surely if it was necessary to alter the rate of interest, a simple amendment to the Act could come before us. With those few words, I support the second reading. However, I shall probably have something more to say in Committee on what is, to me, quite an important question, namely, the duty on life insurance policies.

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

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2858.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I rise to speak to the profit control Bill, which is the Prices Act Amendment Bill. There is no criterion for price control except profit control, and that is the principle that has been adopted over the years. It is going to be rather interesting to see what happens now that the profits of some companies under price control are falling. I think we will be able to see very soon what attitude is going to be adopted, whether reasonable profits are going to be permitted or whether profits are going to be completely frowned on.

The Hon. A. J. Shard: There have been a couple of examples of that already.

The Hon. Sir ARTHUR RYMILL: I have pointed out often enough in this Council that unless reasonable profits are permitted companies it is impossible for them to pay higher wages or to improve conditions. That is just a simple statement of fact. The purpose of this Bill is to extend the operation of the Act for another 12 months. This has been going on for many years now, I think since soon after the Second World War. Honourable members know (to the point of boredom, I imagine) what I feel about price control. I do not support it. However, I have found over the years that it has been useless to kick against the pricks, as it were, in this respect.

The interesting part of this Bill is that it is a two-headed Bill. In 1964, under the then Playford Government, the legislation opened out not only into price or profit control but also into what was then styled "Practices concerning the sale of goods generally"; and in that year a few sections were put in that made it very difficult, as I said at the time, to oppose the Bill formally, because I do not think any of us had much objection to those particular sections. I know that I certainly did not. I looked up my speech of 1964 on the matter to confirm that, and I found (as I knew was the case) that I had no objection to those sections. The section on the limited offer of goods provided, in certain circumstances, that a specified number of goods could not be sold to one person (although there were exceptions), and also that the price of goods had to be on the label, and these provisions have been included in the Act since then. This year we find a development which is now labelled "Protection of the Consumer" and which enlarges the functions of the Prices Commissioner.

The second reading explanation stated that several of the functions provided in the Bill were already being carried out by the Prices Commissioner, but that this Bill would enable him to engage in research into all aspects of consumer protection, to inform and advise the consumer on all matters affecting consumer protection, to investigate and deal with complaints from consumers, and, subject to certain conditions, to institute or defend proceedings on behalf of a complainant. This is certainly an interesting new departure. I have examined the Bill's provisions and I agree with its aim to protect consumers, but with one note of warning, that is, that this can be overdone.

It is difficult to protect people in all circumstances against their stupidity or their foolish, ill-considered, or weak actions. This has been the tendency of the Legislature in recent times. I think the object is laudible but, unfortunately, at times one finds that the effect is not (as it turns out) to protect the class of people to whom I have referred but to overlap and impinge on the rights of decent honest traders. This is the danger that I warn against. The provisions relating to the institution or defence of proceedings are rather interesting: this is the real breakthrough, as I see it, of this Bill. Clause 6 introduces new section 18a and subclause (3) provides:

The Commissioner shall not institute or defend any proceedings pursuant to subsection (2) of this section without first—

(*a*) obtaining the written consent of the consumer which once given shall be irrevocable except with the consent of the Commissioner;

I suppose that qualification is essential at present, because I think we are breaking new ground and we will have to see how it works. However, it really means that once the Commissioner institutes or defends an action he takes (or is able to take) the action right out of the hands of the person for whom he is acting. This is contrary to anything that is normal in the law, because a plaintiff or defendant is able to give his lawyer his own instructions. New subclause (4) (*a*) provides that the Commissioner shall have virtually the complete control of the proceedings, including the right to settle an action on behalf of the consumer and, new paragraph (*b*) provides:

The Commissioner may, without consulting or seeking the consent of the consumer, conduct the proceedings in such manner as the Commissioner thinks appropriate and proper;

This illustrates the artificiality of this provision and it will be interesting to see how it works.

The Hon. C. M. Hill: It has a smattering of Big Brother about it, hasn't it?

The Hon. Sir ARTHUR RYMILL: That is one way of putting it. I do not want to deny the Government the right to attempt to do this, but I think it should proceed with a certain degree of caution. I hope that it will be willing to learn as it goes along, because there will be lessons to learn. I hope the Government will be willing to amend the Act from time to time in accordance with experience, or even possibly to realize that this attempt at welfare has turned out to be a failure. In my opinion, this could well happen. New paragraph (*c*) provides:

Any moneys (excluding costs) recovered by the Commissioner shall belong and be paid to the consumer without deduction and any amount awarded against the consumer shall be paid by and recoverable from the consumer, but in all cases the costs of the proceedings shall be borne by or paid to and retained by the Commissioner as the case may require:

I suppose that is necessary, perhaps for the protection of the consumer, because the proceedings should be paid for by the Commissioner and should come out of the general revenue. An interesting feature is that the pecuniary amount of any action that the Commissioner may indulge in by new subclause (2) is $2,500. That figure has been pulled out of someone's hat.

The Hon. F. J. Potter: It is the limited jurisdiction figure.

The Hon. Sir ARTHUR RYMILL: Yes, but it has been pulled out of a hat. Who can say what pecuniary amount any person is entitled to be protected for? One may say that a matter over $200 is something that a person should have to bear in an action for himself and not that the Commissioner should represent him and pay his cost; or one may say the cost of a case involving $2,500 could be (if the case lasted a long time) considerable; or that if it got into a higher jurisdiction of, say, $5,000, the cost may well exceed the amount of the action, and then who is to say that the amount should not be $5,000 or unlimited? Here again I think it is difficult to say what is the right thing to do.

I remember introducing a private member's Bill a few years ago whereby I attempted to provide that in the event of a private citizen having an action against the Crown, or defending an action by the Crown, he would not have to pay the Government's costs unless it was certified that his prosecution or defence of the action was unreasonable. I did that because the Government had its Crown Law officers and the costs incurred by going to lawyers were, of necessity, high nowadays if a person wanted to protect his rights against the Crown. He should not have to pay the Crown's costs, which were already provided for.

The then Attorney-General was kind enough to say that, if I did not proceed with the Bill at that stage, he would have a look at it in relation to a more general Bill he was considering. He is now Premier but I had no evidence that he had looked any further at this Bill, which he said he might be making a more general Bill of a similar nature, until I saw some

glimmer of hope here, inasmuch as in certain cases chosen by the Prices Commissioner the Government would bear the costs of someone who it thought was an aggrieved party. So it would not be for me to oppose such a measure; I merely say that I believe this whole matter should be carefully studied when it comes into operation and that we must all be prepared to learn in the light of experience. The second reading explanation had two other features that were interesting to me. One was that it stated:

It is envisaged that as many complaints as possible will be dealt with by negotiation, as in the past, and that legal proceedings will be a last resort.

That seems to be a complete contradiction of the Government's reception of the Hon. Mr. Whyte's amendment the other day to the Prohibition of Discrimination Act Amendment Bill, which was rejected by the Government out of hand, for it said that the principle was wrong; but apparently in this Bill it is right.

The other interesting thing about the second reading explanation, relative to the fact that several of the functions provided for in the Bill are already being carried out by the Prices Commissioner, was that it stated:

For the year ended June 30, 1970, more than 750 complaints were investigated. Of the complaints that concerned excessive charges, in 367 cases reductions or refunds, amounting in total to $23,500, were obtained.

So that reductions or refunds were obtained in almost exactly half the cases. In other words, in 750 complaints, which must have cost an enormous amount of money to investigate, the fact emerged that in respect of the total population of South Australia only $23,500 was saved for 367 people. If this is the sort of arena in which this new provision of consumer protection is to operate, one wonders whether it may not be better to have fewer people working in that field and so save a lot of trouble and pay the money saved in salaries pro rata to the people with complaints. I do not know, but it seems to me that that amount of money in relation to a very general amendment to the Act is small. However, the arena may be subject to Parkinson's law and, once we put this legislative *imprimatur* on the matter, perhaps it will expand rapidly. Who can tell?

I have had a good look at the Bill and think I understand most of it. I bow to consumer protection as an experiment and hope the Government is looking at it in a similar manner, because we shall certainly have a lot to learn about it. Clause 9 provides:

The Commissioner and any authorized officer shall not be personally liable, and the Crown shall not be liable, for any act done or default made or statement issued by the Commissioner or authorized officer in good faith . . .

This to me is a rather curious clause. I do not know how one would go about proving that an act was not done in good faith: I think it would be almost impossible. So it would mean that the Commissioner would have complete protection in respect of anything he did. I do not appreciate the need for this clause. Perhaps the Chief Secretary in his reply will be good enough to indicate to me exactly why that clause is deemed necessary. At the same time, I should like some statement from him on whether the Government regards the consumer protection provisions of this Bill as immovable or whether it is prepared to reconsider the situation from time to time in the light of experience and to regard these provisions as flexible. I support the second reading. Although I do not know what the attitude of other honourable members in this Council will be, I assume this measure will come into operation. I can only hope it will be a success.

The Hon. A. J. SHARD (Chief Secretary): I thank the Hon. Sir Arthur Rymill for his support of the Bill. I am fully aware of his ideas on the Prices Act. There was a time when I had doubts about the value of this Act in South Australia, similar legislation not being in operation in the other States, but I have changed my views somewhat: I think it is of real value and at times affords the consumer considerable protection. I had personal experience of a case a few years ago when I was approached by someone and I had to go to the Prices Commissioner because of the action of a certain businessman. With the Prices Act in operation, people will think twice before they act wrongly, so it is of some value. We all realize there is the type of person who tries to take advantage of other people. As I said in my second reading explanation, 750 complaints were investigated.

I agree with Sir Arthur that possibly this is the first step towards consumer protection in this State, but we still have a long way to go. Sir Arthur mentioned $2,500 was the maximum figure in respect of the Commissioner's instituting legal proceedings on behalf of a consumer. I thought we were being rather

kind in adopting that high figure. We took the view that people who got into trouble after spending more than $2,500 should be in a position to protect themselves.

The Hon. Sir Arthur Rymill: I am not disagreeing with that.

The Hon. A. J. SHARD: Time alone will tell whether the sum of $2,500 is too high. I do not think the Premier has overlooked the point raised by the honourable member; it will arise during the investigations of the committee dealing with criminal law, and it has been discussed in Cabinet. Clause 9 is similar to a provision in the New South Wales consumer protection legislation; we thought that our Commissioner should be similarly protected.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Functions and powers of the Commissioner."

The Hon. R. C. DeGARIS: Regarding new section 18a (6), I should think that the Commissioner would already have the power to have discussions with a Commonwealth authority and to co-operate with it. Therefore, can the Chief Secretary say why this provision should be included in the Bill?

The Hon. Sir ARTHUR RYMILL: The words "co-operate" and "collaborate" may mean something different from the word "consult". I should think that consultation would not get the Commissioner much further. The words "co-operate" and "collaborate" may mean that the Commissioner is authorized to take joint action with other departments, other States or the Commonwealth.

The Hon. G. J. Gilfillan: Does this include Acts of other Parliaments?

The Hon. Sir ARTHUR RYMILL: It is hard to interpret without knowing the intention behind the provision.

The Hon. C. M. HILL: There may eventually be some overlapping between the new office that this Bill sets up and the streamlined fraud squad that the Attorney-General recently said would be set up. Early this month he said in a press statement that a fraud squad would be set up that would consist of people with legal and accounting skills. He 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.

It seems to me that some of the work to be carried out by the fraud squad will be similar to that carried out by the consumer protection office. Will police officers be seconded for this work? I hope that duplication does not occur. Will the Chief Secretary clarify this point?

The Hon. A. J. SHARD: Section 7 (1) of the principal Act provides:

The Commissioner, and every person exercising any power or performing any duty under this Act (including every member of a committee) shall, before entering on his duties under this Act, sign a declaration of secrecy in accordance with the schedule to this Act.

New section 18a (6) is similar to provisions in consumer protection legislation in other States, and this provision is necessary because of the requirement of secrecy on the Commissioner.

Clause passed.

Remaining clauses (7 to 10) and title passed.

Bill reported without amendment. Committee's report adopted.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2846.)

The Hon. G. J. GILFILLAN (Northern): In general I support the Bill, which has been introduced to give statutory power to the Wheat Delivery Quota Advisory Committee and to the other committees set up under the Act. This legislation first came into effect last year as a result of a crisis in the wheat industry, the very real problem of over-production connected with potential sales, and the necessity to provide storage for a large crop. It was emergency legislation that created some problems for individual wheatgrowers.

I do not think that anyone would question the sincerity of those people involved at that time either in framing the legislation or in its later administration. From the lessons learnt during that season, we now have the Bill before us. I am sure that, although a conscientious effort has been made to solve many of last year's problems, this Bill will not please everyone. It is obvious to anyone reading the Bill that the Advisory Committee has obviously decided to consider the traditional wheatgrower's role in the framing of the legislation.

It must be admitted that last year, when wheat quotas were introduced, some extra consideration had to be given to those

who had grown a crop for the first time, because that crop was in existence and by the time the legislation was passed by Parliament, ready for delivery. Another 12 months has elapsed for some adjustment to be made. I consider that some growers in this category will be in a very unsatisfactory position as a result of this legislation. However, I believe that the advisory committee has conscientiously tried to find a solution that will be of some lasting benefit to the wheat industry in its current position. I believe that one of the problems that has not been solved (and I am afraid that I cannot suggest a solution) is that of short-falls.

The wheat quota system we have adopted in Australia is based on a production or delivery basis and not on an acreage basis. It physically is impossible for any grower to sow the precise acreage to fill his quota. I could mention one case this year, when we are faced with a little over 20 per cent in quota reduction, in which a grower reduced his acreage by 40 per cent. He had a very small over-quota delivery last year, and he will probably produce more wheat this year than he did last year despite the 40 per cent reduction in acreage. Because of the difficulties experienced in handling short-falls, I can understand that it is very difficult to guarantee any grower with a short-fall that he will get a 100 per cent consideration of this addition in relation to the following year's quota.

Clause 17 (5) states percentages and amounts, and there is no absolute guarantee that a grower who falls short of his quota in one year will have it made up to him in the following year by 100 per cent. I fully understand the problems involved in this matter. In addition, some growers may have short-falls in two succeeding years, and there is no provision for more than one year to be taken into consideration. As a result, I believe that growers generally will tend to sow a slightly bigger acreage than they would otherwise have done to minimize the risk of short-falls as much as possible. I believe that this will perhaps tend to add to the problem of over-production to an appreciable degree because, if a short-fall is experienced and it is not made up, that is something that is lost for all time to that grower.

I now come to the question or two that I should like the Minister to answer when replying to this debate, because I believe that these are very important replies for people in the position in which many growers could find themselves in an honest attempt to equate their acreage sown with potential quotas. What is to be the policy of Co-operative Bulk Handling Limited and the Wheat Board in accepting over-quota wheat into storage when storage space is available after all the quota wheat has been received? I am aware that, because of the economies involved in providing large storages, we must not encourage over-quota production.

However, I believe that we must also strive for a more positive policy as a guideline to growers. To the best of my knowledge, growers throughout the State are endeavouring to adjust their production to the quotas they expect under the proposed legislation. However, it is impossible to sow an acreage to meet this production figure exactly; the temptation is there to ensure against short-falls because of the possibility that these may not be made up. I believe it is in this field that growers will be looking for answers very soon, because the harvest season is about to commence. We have had quite substantial changes in the season in some areas where the potential yield has increased from what it was perhaps only six weeks ago. I am also aware that the operations of the Co-operative Bulk Handling Limited and the wheat quota system are very closely interwoven.

No doubt other honourable members who have a keen interest in this matter will speak to this Bill and will raise other matters. I particularly bring to the notice of the Minister and of the Council this question of short-falls, because I believe that in trying to guard against losses many growers will be tempted to over-produce.

The Hon. R. A. GEDDES (Northern): This is an interesting Bill, obviously designed to bring assistance to the wheat industry, if possible, at this time of marketing problems, particularly overseas, and of the farmers' being able in May, June or July to judge, at seeding time, what his yield will be. I remind the Council of the speech by the Hon. Mr. Gilfillan earlier today when he said he knew of a person who had reduced his acreage by some 40 per cent from last year, and yet it looked as though the wheat he would grow this year would be far in excess of his quota. I, too, can cite the case not of anyone fictitious but of myself.

The Hon. A. J. Shard: That will be fictitious!

The Hon. R. A. GEDDES: Earlier this evening we had some strange remarks made across the floor of the Chamber by one member to another member.

The Hon. A. J. Shard: But I was cold sober.

The Hon. R. A. GEDDES: There is an old saying that one cannot make a hard and fast statement about agriculture. Let us consider this year. Until the ned of August there was little likelihood of wheat being grown successfully in the north; then September and October were wet months and November came in wet as well. In the Orroroo district, well out of the line of Goyder's rainfall, wheat was sown in late August and early September and they now predict a yield of 15 bushels an acre. Initially, this problem of trying to dictate by legislation what will happen to agriculture or how agriculture will handle the problem of wheat quotas is fraught with the problem of what nature does, anyway. It is also affected by the fact that the Government of the day (I do not refer to this State Government) for many years has been coerced into believing that the only way to bring stability to the wheat industry is by subsidizing it.

As the price of wool has fallen throughout Australia, so has the acreage of wheat increased, because there has been this wonderful bag of gold—"For every bushel of wheat, you will get $1, $1.10 or $1.30—you name it." Another factor contributing to the problem is the politics of the nation, for which I have scant regard, because it is the politics of the nation and not the need of the industry that has at all times caused these price rises. More particularly in other States, good grazing lands have been turned over to become wheat country, not with the idea of growing wheat constructively because there is an art in growing wheat—

The Hon. T. M. Casey: The seed must be planted the right way up!

The Hon. R. A. GEDDES: That would apply to the Minister's property. I have been past his property beyond the Goyder line on the way to Yunta from Peterborough and have seen the Minister's neighbours trying manfully to grow wheat, not for the fun of planting it the right way up or because they wanted Mr. Hannaford's pickling concern to pay dividends, but because they thought of the rainbow at the end of the line—"If we can grow a bushel of wheat, we shall get $1." The idea behind this Bill is to try to give a measure of justice to those people who have cleared land and wish to live on it, particularly on Eyre Peninsula and certain areas in the Murray Mallee, where perhaps a young man has started out wanting to be a farmer. He has worked as a share farmer, has earned his money and saved his capital and has paid a deposit on some land, possibly on Eyre Peninsula and probably with a lot of scrub on it. He has continued as a share farmer and in his spare time cleared the land. Eventually he has been able to say, "I am a farmer in my own right. This is mine, and I will deal with it in my own way." The farmer would be the most independent kind of person there is today. The basic crop on Eyre Peninsula has been wheat, because so much of the country there is poorly watered from natural sources.

When the principal Act was introduced last year, despite the sincerity of the Government and the wheat industry, it was difficult to mete out justice to the person who was just opening up country and to the person who had had five or six years of below-average yields in the Murray Plains, the Murray Flats and other areas. This Bill endeavours to give a modicum of justice to the under-privileged. Consequently, this Council should diligently consider the Bill in detail. I can see no easy solution to the problem of quotas and subsidies for wheat in Australia. Happily, I am supported by Sir John Crawford, who is recognized as one of Australia's finest economists. In 1952 he said:

The most striking thing about Australian agricultural policy is that there isn't one!

A report on the wheat industry crisis states:

Decisions taken (or avoided) with respect to the wheat, wool, dairy, sugar, cotton and other farm industries in recent years lead one to conclude that nothing has changed. The Commonwealth continues to adopt a piecemeal and essentially short-run approach to problems emerging, from time to time, in the farm sector. But the time is long overdue for a clear statement of farm policy objectives and the pursuit of measures designed to remedy, amongst other things, the current wheat surplus and the threat to other industries.

Of course, the problems of the wool industry are facing us now. I do not necessarily support all that the report says; it continues:

The current wheat crisis arose largely from the level and extent of the price guarantee, relative to apparent market prospects facing alternative farm products. Producers now face the prospect of a downward trend in export

prices and a contraction in the level of exports. Ultimately, it is only the more efficient producer who is likely to survive: but progressive restriction on deliveries will serve only to raise the cost of production, at least in the shorter run. So why not adopt the most direct means of discouraging the less efficient growers and producers of poorer quality grain by discarding quotas on deliveries and substituting a range of prices more closely geared to the prices available for grains of various qualities?

Those were pretty brave words. I think that primary producers in Australia are the least subsidized of primary producers anywhere in the free world. Certainly, primary producers are heavily subsidized in America, the United Kingdom and the Common Market. With our peculiar pride and sense of independence coupled with fair weather selling in the world markets since the Second World War, we have not had to subsidize our primary producers as heavily, but some assistance must now be given to them.

I wish to refer to the book *Sun on the Stubble*, by Colin Thiele, in which a delightful story is told of an old farmer who many years ago bought one of the first cars in the Eudunda district. The instruction book said that, when the car had done 1,000 miles, it had to have its oil changed. So, when the farmer was midway between Eudunda and Kapunda and the odometer showed 1,000 miles, he dutifully removed the sump plug, drained the oil, and then drove on. When he got to Kapunda he was horrified to find that the engine had burnt out. Primary industry in Australia today must have some oil put in its sump. I appreciate what the Government is trying to do. I realize that it has consulted the wheat industry, which comprises a very conscientious group of men who have experienced difficult times lately in connection with quotas. Mr. Edward Roocke, the President of the Advisory Committee, has adopted a most conscientious approach to the problems of the industry and to all the complaints with which he has had to deal. Mr. Roocke lives at Booleroo Centre, near my home town, and he still maintains his interest in local affairs. He is the president of the swimming school committee, and he is also still on the institute committee in Booleroo Centre. I think it does not hurt to make these comments about a man who is giving of his best in doing a difficult task. I have no hesitation in supporting the second reading.

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

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2865.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill is almost identical to a Bill that came before this Council in 1967. It contains only one small alteration. Before discussing the Bill, I wish to put before the Council my own beliefs regarding legislation to deal with trading practices. This measure is extremely complicated, and discussion of the matters it contains ranges right through the whole field of price control to restrictive trade practices. I believe very firmly that the correct approach is to ensure that a strongly competitive market place is maintained in our community. The basis of my beliefs is that a strongly competitive market place is the foundation of a free society. The Minister, in a very long second reading explanation, said:

In other words, free untrammelled competition is an indispensable requirement of a free enterprise economy. If it is hindered, obstructed or to a significant degree stultified we cease to have a free enterprise economy. In place of it we have an economy that is in part controlled. The control falls into the hands of organized groups in industry and commerce and is often exercised against the public interest. That control is not subject to examination by an impartial authority. It can become tyrannical. It can be exercised to the disadvantage of manufacturers and traders who are not part of the organization and it can, and in fact does, result in discrimination, high prices and a concentration of influence and power which are the negation of free competition and disadvantageous to the public interest.

The Hon. M. B. Dawkins: Who wrote that speech?

The Hon. R. C. DeGARIS: The words are exactly the same as those used in the second reading explanation of the 1967 Bill, and I believe they are taken virtually from the statement made by the Hon. Sir Garfield Barwick when he was speaking on restrictive trade practices. That is a very strong statement. Whilst members in this Council cannot completely agree with it, I think we can say that members would agree with the basic philosophy that it is our duty wherever possible to maintain a strongly competitive society. In reading the Minister's second reading explanation, I was rather intrigued by the following passage:

It is surprising to hear some people who ought to know better referring to the Commonwealth enactment as if it vested the Commissioner and the tribunal with untrammelled autocratic powers. I have already explained in some detail the scope of the

legislation and its relatively restricted area of operation. But the most important thing to realize is that the essential ingredient of it is one of consultation. The fact that most parties with whom the Commissioner has dealt to date have chosen to avoid tribunal proceedings is some indication of the success of the compulsory consultations provisions of the Act. The tribunal can exercise its powers only on a reference to it by the Commissioner. Before the Commissioner does this, he must satisfy himself that the restriction is inimical to the interests of the public. He is charged to consult and confer, first, with the parties concerned to hear their side of it, and with a view to the practice being altered if need be, so that the public interest is not adversely affected. All these consultations can take place "without prejudice", with the result that no evidence or statement of admission made during the consultation can be used as evidence before the tribunal unless all parties consent.

The Hon. Mr. Whyte moved an amendment along these lines to the Prohibition of Discrimination Act Amendment Bill, but the Attorney-General disagreed very strongly with the honourable member's view. Now, when we have a Bill that is very similar, the Attorney-General, through his Minister here, is putting up almost exactly the same argument as the Hon. Mr. Whyte put up not very long ago, when the Attorney said that the honourable member's amendment was not reasonable. I know the Hon. Mr. Whyte would appreciate that the Attorney has at last come around to his way of thinking.

I have read thoroughly the speeches made during the debate on this subject in 1967, and I would advise all honourable members to read those speeches, particularly those of the Hon. Jessie Cooper and the Hon. Sir Arthur Rymill. The Council at that time put forward two amendments, both of which, in my opinion, were quite reasonable. However, they were unacceptable to the House of Assembly. Since then, events in Tasmania have given us even stronger grounds, in my opinion, to put forward those same amendments to this Bill. The amendments have the effect of, first, placing a definite terminating date on the referral of power and, secondly, ensuring that there would be no referral of power to the Commonwealth unless all other States adopted a similar position. I shall deal first with the question of placing a definite terminating date on the referral of power. The Minister, in his second reading explanation, said:

At this point I would like to assure honourable members that in the case of *The Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania* (37 Australian Law Journal Reports 503) the High Court held that the time limitation in the Tasmanian Act referring the matter of air transport for a period terminable in a similar way to that expressed in this Bill was a valid reference and that an Act which refers a matter for a time which is specified or which may depend on a future event, even if that event involves the will of the State Governor-in-Council and consists in the fixing of a date by proclamation, was within the description of a reference in paragraph (xxxvii) of section 51 of the Constitution.

The amendment in 1967 attempted to ensure, as far as possible, that the power referred to the Commonwealth could be revoked. In the second reading explanation, the Minister of Lands has tried to show, in the quotation I have just made, that if this Bill is passed the powers referred can be regained by repealing the Act or by some device other than a definite terminating date.

As I understand the position (and on this I stand to be corrected) the High Court has held that powers referred to the Commonwealth in this case constitute a valid reference of those powers even though the reference contains a terminating date. On the other hand, no High Court decision has been made on whether the State has the power of revocation. As I have said, I stand to be corrected on this.

The Hon. Sir Arthur Rymill: I may be able to throw a little light on that tomorrow.

The Hon. R. C. DeGARIS: Thank you. This appears to me to be the position. This matter is dealt with fully in a book by Dr. W. A. Wynes, from which I quoted in the debate in 1967. I refer honourable members seeking information to that book, entitled *Legislative Executive and Judicial Powers in Australia,* page 221. In that book, Dr. Wynes, too, expresses doubts on the revocation of powers once the Commonwealth has acted on the powers referred by the State. I also remind honourable members of certain information that came before the Council in 1967, put forward by the Hon. Sir Arthur Rymill. I shall quote from pages 3929 and 3930 of 1966-67 *Hansard.* First, I will give a reference to those honourable members who want to read it—Volume 113 of *Commonwealth Law Reports,* page 52, from a judgment of Mr. Justice Windeyer in the case of *Airlines of New South Wales Proprietary Limited v. New South Wales.* In that case (I quote only the last part of it), his Honour said:

Any law made by the Commonwealth Parliament with respect to a subject referred for a limited period could, I consider, operate only for the duration of the period of the reference.

That period could, I think, be limited in time in any way; for example, it could be a period of years or the duration of a war.

His Honour continued:

But I entertain a serious doubt whether a reference could be for an indefinite period terminable by the State legislature.

One month later, the Full Bench of the High Court in dealing with the Tasmanian Airlines case gave a judgment that contained the words quoted in the second reading explanation, but one must see the whole tenor of that opinion. Their Honours said:

It is plain enough that the Parliament of the State must express its will and it must express its will by enactment. How long the enactment is to remain in force as a reference may be expressed in the enactment. It nonetheless refers the matter. Indeed the matter itself may involve some limitation of time or be defined in terms which involve a limitation of time. In the argument before us there seemed to be an assumption that to include the Tasmanian Act No. 46 of 1952 within paragraph (xxxvii) there must be implications in the words that the paragraph employs. But this seems to be an error. There is no reason to suppose that the words "matters referred" cannot cover matters referred for a time which is specified or which may depend on a future event even if that event involves the will of the State Governor-in-Council and consists in the fixing of a date by proclamation. The question which was discussed at length before us as to whether when the Parliament of a State has made a reference it may repeal the reference does not directly arise in this case, It forms only a subsidiary matter which if decided might throw light on the whole ambit or operation of the paragraph. We do not therefore discuss it or express any final opinion on it. We think that the Tasmanian Act as framed is fairly within the paragraph and does refer a matter.

In that case, the only decision that has been made is that the referral is a valid referral but no judgment has been made on whether a State can revoke. In other words, I believe we now have no established law (if that is the right term) dealing with the right of revocation. Dr. Wynes has serious doubts. He seems to think that there is no power of revocation once the Commonwealth has acted upon the reference. Mr. Justice Windeyer points out that he entertains "a serious doubt whether a reference could be for an indefinite period terminable by the State legislature". These arguments were advanced by the Legislative Council in 1967 (and they are still valid) yet the Government of the day refused to accept the amendments passed by this Council.

I submit that this attitude cannot be reasonable because, on the one hand, the Government is trying to assure the Legislative Council that once these powers are referred they can be regained at any time by the State and, on the other hand, it has refused to accept an amendment whereby by using a definite terminating date that power of revocation appears to strengthen the State's position in the matter of regaining that power. So, the question must be asked: what conclusions can one draw from the Government's policy in not accepting the 1967 amendment? The only conclusion I can draw is the obvious one—that the Government, with its known centralist philosophy (which no Government member backs away from), hopes that it is conferring this power irrevocably. If the Government desires to retain for the State the power of revocation (or the power to recommit the power to the Commonwealth, which amounts to the same thing) it can demonstrate its good faith only by accepting the same amendment as was put forward by this Council in 1967.

I believe it would not be in the best interests of South Australia to be placed in a situation where Commonwealth legislation applied here on intrastate trade but did not apply in New South Wales and Victoria. I dealt with this matter very fully in 1967 and I do not intend to go over the same ground again. The case put forward in 1967 by this Council has been strengthened by the course of events since then. There has been a recent case in Tasmania. I had much difficulty in ascertaining the full facts of that case because the Commissioner is in a peculiar position in the matter of consultation with the various parties—no report is made. As I understand the position, a Tasmanian publican wanted to sell Victorian beer through his hotel and the Tasmanian brewery decided that, if the publican sold Victorian beer, it would withdraw its supplies from that hotel. Because most Tasmanians liked drinking Tasmanian beer, the publican was in difficulties. Under the Commonwealth legislation, with the referred powers to the Commonwealth from Tasmania, the publican took action and referred the matter to the Commissioner—in all probability with the solid backing of a large brewery interest in Victoria.

In his negotiations the Commissioner possibly ruled that the Tasmanian brewery was indulging in a restrictive trade practice. Let me say that, in principle, I possibly agree that that practice was unjust—where a manufacturer could withdraw his products from a retailer if he sold someone else's products. I think that way on a personal basis.

What is the end result? A very large brewery (probably the largest in Australia) can cut into a small Tasmanian brewery and force its product on hotels in Tasmania but, because Victoria has not referred its powers, there is no way in which the Tasmanian brewery can fight back in Victoria. In other words, a very large business organization in Victoria is being placed at a distinct trading advantage over any organization in the same field in another State.

The Hon. Sir Arthur Rymill: That is a perfect example of why we want the Act in force in all States, not just here.

The Hon. R. C. DeGARIS: Yes. The example shows that, if South Australia refers the powers and Victoria does not, a very large Victorian organization will be assisted to a much greater extent than the extent to which organizations will be protected in this State. I do not think we are justified in placing our local business organizations in the same position as the local business organizations in Tasmania have been placed. It would allow large Victorian interests to use the Commonwealth legislation to push their products in South Australia whilst we would have no similar rights in Victoria.

The Hon. Sir Arthur Rymill: They would be pushed in South Australia at the expense of South Australian business organizations.

The Hon. R. C. DeGARIS: Exactly. If we allowed that we would be placing ourselves in a very foolish position, from the South Australian viewpoint. South Australia engages in very vigorous competition with Victoria and New South Wales. The referral of this power from South Australia without a similar referral from Victoria and New South Wales could make it difficult for us to attract industry to this State. I could quote a host of examples. Could the State Government give preference to local products in relation to the supply of goods to State Government instrumentalities? At present some benefit is given to local producers but, if South Australia refers this power, can the State Government enter into that sort of arrangement? Let me take a somewhat foolish case, but it could apply. Let us consider the sale in South Australia of meats, other than red meat, for 24 hours a day. The red meat producers in South Australia might go along to the Commonwealth court and say, "This is a State Government restrictive trade practice. A tremendous advantage is given to the white meat producers that the red meat producers have not got."

Is this a matter that can be taken up under the restrictive trade practices legislation? I could go on giving illustrations of how this referral of power could act upon the position in South Australia. I intend once again to move during the Committee stage exactly the same amendments as I moved in 1967, because I believe that they provide a reasonable measure of protection for the rights of this State and they prevent an unfair trading position that could develop if the Bill was passed in its present form.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

BILLS OF SALE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2857.)

The Hon. F. J. POTTER (Central No. 2): This is a very short Bill. Again, there is the spectacle of the Government looking around for extra revenue. One can only imagine that the Treasurer decided that he would comb through the Statute Book and find what fees he could bring up to date or increase considerably. It seems to me that he has found a fee in this Act that has not been adjusted for about 30 years. The Bill doubles the fees for registration of bills of sale. The fees are based on a sliding scale, and I think the minimum fee is about 25c for the registration of a bill of sale. I do not propose to vote against the second reading because it seems to me that fees for administrative acts of this kind, such as for the registration of documents, is one of those matters that the Government of the day must determine.

The Government must face up to public reaction and criticism if the fee is too high. I suppose that, after 30 years, one cannot complain about the 100 per cent increase, because we are now regularly hearing of 100 per cent increases, or even in some circumstances of a 1,000 per cent increase as was mentioned today. We have no information on what the Government hopes to net as a result of this increase. However, I suppose it will not be a large sum of money that is involved but, of course, many bills of sale are registered each year.

The amendments are formal and straightforward. Again, it is with some dismay that I see the Government is searching around to increase its revenue. I do not suppose that the public will get any better service as a result of the increase in fees. Search fees will be eliminated except where the Registrar-General of Deeds may decide otherwise. That

probably is the only relief that will be given to the public generally by the Bill. I support the second reading.

The Hon. C. M. HILL (Central No. 2): I support the second reading. The fees presently being charged, as mentioned by the Hon. Mr. Potter, are very low indeed: the scale starts at a very low figure, and increases to a maximum of $2 when the consideration exceeds $400. As the Hon. Mr. Potter also mentioned, and as the Minister mentioned in his second reading explanation, the Registrar-General proposes to double the present charges.

I think it is a pity that the principle of a schedule being included in a Bill and being adhered to has been thrown overboard by this measure. In lieu thereof, the principle of fees being fixed by regulation is being introduced. If this policy is pursued as various Acts become amended, we will adopt a practice of fixing such charges by regulation which, in my view, is not as satisfactory as having a schedule showing the maximum fees, because regulations might then be introduced increasing charges from time to time up to the maximum. That is a far preferable procedure to the one proposed by the Bill, which is to throw the schedule principle overboard.

Obviously, what could occur ultimately is that the regulation could be approved and fees be charged at the office of the Registrar-General. If for some reason, Parliament did not approve of it, it could be a troublesome matter to straighten up subsequently. I hope this Bill will not set that precedent. The right of the Registrar-General to charge, if he so wishes, for searches (and the cost of the search previously has been only 25c) will be retained by him.

I agree that, because some commercial organizations such as trade protection societies or groups are searching continually for the purpose of their business operations, it is only right and proper that some fee should be charged for that work because the various companies' officers are in the Lands Titles Office constantly taking up the time of public servants. It is only fair that organizations of that kind should be charged a moderate fee, and the Bill gives the Registrar-General the right to charge such a fee. But the average person off the street going to the Registrar-General's office to make one search in regard to a particular bill of sale will be able to obtain that search free of charge. I agree to that provision.

The same procedure occurs regarding someone who comes in off the street and makes a search of a certificate of title for land, for which there is no charge today. I agree with the Hon. Mr. Potter that the Bill is necessary to bring the old Act up to date. Changes in this legislation have not been made for about 30 years, but no-one likes to see a 100 per cent increase in fees, which has become a way of life with the present Government. Although the total revenue as a result of the Bill may not be very great, we have not been given the approximate figures. I support the second reading.

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

[*Sitting suspended from* 5.51 *to* 7.45 *p.m.*]

INDUSTRIAL CODE AMENDMENT BILL (SHOPPING HOURS)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 6 and 8 to 13 without any amendment, that it had agreed to the Legislative Council's amendment No. 7 with an amendment, and that it had disagreed to the Legislative Council's amendment No. 1.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment No. 1.

This is the amendment deferring the coming into operation of the Act until July, 1971. There are two amendments I want to refer to, and I seek your guidance, Mr. Chairman, on the way in which I should deal with them.

The CHAIRMAN: We had better deal with them separately.

The Hon. A. F. KNEEBONE: Very well. There is no need for me to go over the grounds previously canvassed that shopkeepers have already had some months' notice of the proposed change. All of the arguments submitted in favour of a deferment of the date of operation have concerned the abolition of Friday night shopping in the fringe areas. The effect of any deferment will not only be to permit Friday night opening to continue but will also mean that there will be no restriction on trading hours on Saturday afternoons or Sundays or on any night of the week, for that matter, in the fringe areas of the present metropolitan area. In effect this could mean that shops in these areas could trade day and night seven days a week for the next seven months. This would obviously be quite unfair

because shopkeepers in the present metropolitan shopping district, and in all country districts, would have to continue to close their shops at times when their competitors could open.

There are far fewer shopkeepers so affected in these fringe areas than there are exempt shops in shopping districts throughout the State. In fact there are 3,400 exempt shops in the present metropolitan area alone which, when this Bill comes into operation, will be able to sell at all times a far wider range of goods. If the move to defer the date of operation of this Bill is an attempt to protect shopkeepers in the fringe area (even though the organizations which represent those shopkeepers do not want the deferment), then the interests of the public in being denied the opportunity to purchase the wider range of exempted goods at all times are being completely overlooked. So, too, is the position of the thousands of shopkeepers in existing shopping districts who will have to continue for another six months to close their shops at times when their competitors can open.

In a letter dated November 19, 1970, the President of the Retail Traders Association advised the Minister that stores which are members of his organization have been planning for some time to adjust to the situation which will come into operation in the new year with the changes in the legislation.

The Hon. C. R. STORY: I oppose the motion, for the good reasons that were given in this Chamber during the Committee stage. Although the points made by the Minister of Lands would have some appeal in certain circumstances, if, as he states, the shops in the fringe areas will be open and other shops will be able to remain open for this period of seven months, I do not think anybody will be deprived of anything by this amendment. However, there is another side to this argument. It is that to turn off the tap, as it were, on January 1 will cause some embarrassment to those people who are considerably committed financially and who have entered into long-range contracts. It seems to me almost inhuman to say that this Act shall apply as from January 1. The original arrangement was that this might happen in two years.

The Hon. A. F. Kneebone: Whose arrangement was that?

The Hon. C. R. STORY: This was a statement made which the Liberal Government stood by and to which the retail traders agreed during the period when Mr. Coumbe was holding the portfolio of Minister of Labour and Industry. The traders were quite happy that there should be a two-year transitional period.

The Hon. A. F. Kneebone: Two years from the time that Mr. Coumbe was handling it would be about now.

The Hon. C. R. STORY: The Minister may indulge in facetious remarks like that. No agreement was reached between the traders, the public and the Government at that time. Had Mr. Coumbe not contracted a severe illness, he would have brought down something along the lines of the legislation we are now dealing with. Had we been able to bring this matter to a conclusion, the traders would have been happy with a transitional period of two years. The Council is being more than generous, because my colleagues in Midland District and I have a clear picture from our district of what will happen to many small traders and the public in those areas. My colleague and I have made our position clear in regard to the fringe areas. The amendment providing that this legislation may be enforced from July 1 next is extremely generous. I therefore oppose the motion.

The Hon. L. R. HART: I support the remarks of the Hon. Mr. Story. It seems that the Government is endeavouring to deal with this Bill with indecent haste. This makes one think that the Bill is not very acceptable and the Government thinks it should be enforced as quickly as possible so that the people will forget all about it. However, the people in the fringe areas are very concerned about the implications of this Bill and they are justly entitled to at least a short reprieve before the legislation is enforced. One businessman said to me that the enforcement of this legislation would mean the loss of 20 per cent of his trade. He realized that the legislation was probably inevitable but he thought that he should at least be given some breathing space to reorganize his business. The people who want to get the legislation enforced quickly are the Government and the retail traders in the metropolitan area, as defined in the Early Closing Act. They are worried because there is an area outside the Early Closing Act area that is allowed to have trading for extended hours. I am sure we should give consideration to the people affected by this Bill. Like the Hon. Mr. Story, I think we are being generous in asking for a delay in the enforcement of this legislation only until July 1.

The Hon. G. J. GILFILLAN: As a member who does not represent the fringe areas but is interested in fair play, I believe the amendment made by this place is the least that can be done in justice to people who have lawfully established their businesses under existing laws. I believe that almost indecent haste is being shown by the Government in its efforts to bring this legislation into effect. If we are fair we must admit that the present trading hours have prevailed for a long time—for 12 to 15 years in many areas. If the amendment of this place is not insisted on, many businessmen will have only about a month in which to reorganize completely their affairs, and we must remember that that month will be over the Christmas period, during a large portion of which the Department of Labour and Industry will be closed. The changes in the categories of shops may involve many serious organizational problems, and tradesmen will have to make alterations to premises. For these reasons, I believe that July 1 next is the earliest date that should be considered for the enforcement of this legislation. The attitude adopted by the Government in seeking to bring this legislation into effect within a month is almost ruthless. I ask the Government to have a second look at this matter, because the amendment of this place provides a constructive approach to the human problems involved. I oppose the motion.

The Hon. V. G. SPRINGETT: I add my voice to those who have said that the amendment of this place is reasonable. I represent the southern part of the area that will be affected by this Bill. The least that an understanding and sympathetic Government could offer these people is a reasonable opportunity to reorganize their lives. I hope that the Government will have second thoughts about this matter.

The Hon. D. H. L. BANFIELD: I am amazed at the statements of some honourable members that they are thinking of fair trading practices; they said that, because something had been going on for 15 years to the detriment of small shopkeepers within the then metropolitan area, an extension of time should be allowed to people in the fringe areas. In other words, those honourable members wanted to extend the period of 15 years to 15½ years of unfairness to the small trader in the metropolitan area, as defined in the Early Closing Act. It is unreasonable for the Hon. Mr. Hart to say that it seems that the Government is rushing this Bill through. This Bill was introduced in this place on October 28, following a reported statement by the Leader of the Opposition in another place that the Government was delaying action on trading hours. Members cannot have it both ways.

The Hon. T. M. Casey: But they are not told what goes on in the other place!

The Hon. D. H. L. BANFIELD: They can read the reports of debates in that place. It was reported that the Leader in another place said that the Government should get this matter over and done with. However, honourable members in this place say that the enforcement of this legislation should be delayed. The Minister of Lands said that at present 3,000 small shopkeepers are at a disadvantage because of the extended hours enjoyed by the fringe areas. Because of the provisions for exempt shops and the extended list of exempt goods, people will buy goods from a corner shop instead of from the big stores in Salisbury and Elizabeth on Friday evenings. We are looking after the small shopkeepers in Elizabeth in this way, yet honourable members here say that the Bill should be delayed for six months. What about looking after the small shopkeepers who have been at a disadvantage for 15 years? The Hon. Mr. Story said that, if his Government had got around to this matter, two years' grace would have been given before the legislation was enforced. Of course, a Liberal Government did not get around to this matter during the whole 15-year period in which this trouble was building up. So, it would have been 17 years before the unfair trading advantage would have been overcome.

The Hon. F. J. Potter: Had it been unfair for the whole 15 years?

The Hon. D. H. L. BANFIELD: Yes. The moment one shopkeeper in the fringe areas had an advantage over shopkeepers in the defined metropolitan area, it immediately became unfair for shopkeepers in the metropolitan area who, by law, had to close their shops at 5.30 p.m. on Fridays, whereas shopkeepers nearby in the fringe areas could, if they wanted to, stay open 24 hours a day. Why was that not unfair 15 years ago? Of course, it was unfair then, and it is unfair now.

The Hon. G. J. Gilfillan: We have had four Governments in those 15 years.

The Hon. D. H. L. BANFIELD: Yes, and of those four Governments the greatest period was by the Liberal and Country Party, which has had control in the Council for the whole 15 years. That Government was still faced

with this position, as the Hon. Mr. Hill said, when it went out of office on the last occasion. The Hon. Mr. Story said tonight that within two years his Government might have been able to get some agreement. We were able to get some agreement with everyone concerned, including the people who voted for the legislation. The public voted for this legislation and we were able, within four months, to do something which the previous four Governments had not been able to do in 15 years.

Not only were we able to get the traders to agree to this legislation, but the greatest number of small traders are in the metropolitan area. We are assisting the small trader in the area represented by the Hon. Mr. Story. Trade will now go back to the small shop corner. The honourable member said that this legislation should be phased in. What a remarkable attitude. Does he want the drugs legislation to be phased in? This question did not arise when wheat quotas were introduced.

The Hon. R. A. Geddes: Not much!

The Hon. D. H. L BANFIELD: That legislation got through like steam. The Liberal Government did not suggest to the Commonwealth Government that that legislation be delayed. Most other Bills are not phased in over six, eight or 12 months.

The Hon. A. F. Kneebone: Some farmers had bought big combines just before that.

The Hon. D. H. L. BANFIELD: Yes.

The CHAIRMAN: Order! We are discussing an amendment.

The Hon. D. H. L. BANFIELD: To whom are Opposition honourable members being fair? If they want to be fair, they should vote for uniformity as from January 1.

The Hon. C. R. STORY: I reiterate what I have said before: let the shoemaker stick to his last. I think the Hon. Mr. Banfield has helped his Party out of much trouble at various times. He has been a vociferous debater and has done a good job from time to time for his Party. However, this is not one of the times when he will win. The Labor Party is certainly not looking after the little people with this legislation. What the legislation does is to protect Rundle Street and the very big operators who put up big money for the "No" campaign. What the Hon. Mr. Banfield is espousing is the cause of the very large operator, whereas what we are attempting to do is to look after the people in those areas who, for 15 years, have had this shopping facility. How did they establish their *bona fides*? By local option polls, which was the proper way of doing it.

The Hon. D. H. L. Banfield: They didn't do that at Elizabeth.

The Hon. C. R. STORY: Many of them did so. Elizabeth grew like Topsy.

The Hon. D. H. L. Banfield: Where was one poll held?

The Hon. C. R. STORY: We have heard much over the years about how the Labor Party looks after the little people. If that is so, it is not doing it in this legislation, and it is not doing it in other legislation. I shall not transgress and thereby get into trouble with the Chair by raising other matters. Regarding this legislation, there would be no argument about Friday night shopping if it were not for the fact that Rundle Street would be put to a disadvantage in keeping open on Friday nights, nor would there be any argument about the whole of the metropolitan area being open on Friday nights. Any thinking person who knows the situation knows that "big brother" has come into Governments in season and out of season. When one talks about four Liberal Governments not doing anything, I know the pressures that were exerted on the previous Labor Government and how it wobbled out of its obligations.

I told the Hon. Mr. Banfield a few moments ago that Mr. Coumbe, the then Minister, was working hard on this situation when he was taken ill, and it was not possible to bring down this legislation. I assure the Committee that in that capacity Mr. Coumbe did an extremely good job in trying to find a solution to the problem. All that is being asked is that the period for the operation of the legislation should be extended. As their votes have shown, some honourable members are not against the whole of this legislation. I personally am averse to it, because I believe that people have a right to get on and, if they want to keep open at times different from other people, they should have that right. I reiterate that the backyard winemaker of today could be the Seppelt of tomorrow in much the same way as the small operator in Elizabeth or Christies Beach with a small shop could be the John Martin of tomorrow. If those people are not given the opportunity to develop and go ahead, they will be right down and squeezed in the socialistic mould.

The Hon. A. F. KNEEBONE: I must refute some of the statements made by the Hon. Mr. Story. In the first instance, he talked about the closing of the small shops.

I draw his attention to the fact that the big shops will also have to close. When he talks about Rundle Street, he should remember the large emporiums there have gone out to these areas. The Government is not thinking of the big places at all. The honourable member did not listen to my statement regarding the 3,400 exempted shops in the metropolitan area, and there are a considerable number of these in the fringe areas of Elizabeth and the southern districts, too. These are the small people.

Most delicatessens and exempted shops are run by small family concerns that employ sons and daughters and possibly other people too. As a result, these exempted shops could become bigger shops. They may never get anywhere near as big as Seppelts or John Martins but, as a result of this legislation, they will be able to expand in these areas. I did not appreciate the Hon. Mr. Story's snide remarks about other legislation which he did not name because he did not want to transgress the authority of the Chair. We are not looking after the big people: we are looking after the small people who have not had a fair go for years because people in the fringe area have been able to grab their trade and encourage people from the metropolitan area to shop in the fringe areas. This has been happening at Darlington for many years. When I was Minister of Labour and Industry I had the same problem, as did the late Mr. Colin Rowe and Mr. Coumbe when they held the portfolio. We received much pressure from people who were being prosecuted for selling in the metropolitan area goods that could be bought freely on the other side of the road in these fringe areas. These are the people that have been treated unfairly and the people that we are considering.

The Hon. H. K. KEMP: Too much politics has been introduced into this question, and we should keep in mind what is truly right and what should be done. Both sides of the argument should be considered. I have received many urgent representations from people who will be completely bankrupt when this legislation becomes effective if they are not allowed time to readjust their affairs: at present, they do not know how they should do that. These working people have many responsibilities and have made commitments that they will find hard to meet if this legislation is passed. This will make it very much easier for the large traders, who would have to pay very high overtime rates if they entered this field.

The Hon. A. F. Kneebone: They are in it now.

The Hon. H. K. KEMP: Of course they are, but they want to get out of it. They can meet their obligations, but the people to whom I refer will have much difficulty in meeting theirs if their income is reduced. The Government should consider these people that they are going to plough into the ground.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, Sir Norman Jude, A. F. Kneebone (teller), Sir Arthur Rymill, and A. J. Shard.

Noes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, C. R. Story (teller), and A. M. Whyte.

Majority of 7 for the Noes.

Motion thus negatived.

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 7 be agreed to.

There is only one word in the second amendment which is not acceptable to the House of Assembly and to which the Government objects. All of the amendment in the nine new subclauses are acceptable except the word "not" in new subsection (7), which reads "Voting at any such poll shall not be compulsory."

It is the Government's belief that voting at a referendum should be compulsory. This section is designed to enable electors in districts concerned with proposed changes in shopping hours to express their opinion. If voting is not compulsory the position will be that parties interested in the creation or abolition of a shopping district will canvass for votes whilst there may not be similar campaigning for the contrary view. The Shop Assistants' Union has made it clear that it does not favour the abolition of any country shopping district, so would undoubtedly campaign against any application to abolish a shopping district. Unless the Committee changes its attitude on this point, we could have the—

The Hon. Sir Norman Jude: That's a good one!

The Hon. A. F. KNEEBONE: I know the attitude of honourable members in this Chamber to trade unions and I can be sure that this would be a great change of face on the part of honourable members here if they insisted on an amendment to a Bill before them that supported the trade union point of view. I am telling honourable members the position they

will be in if they insist on their amendment. I know this situation will appeal to them. I want honourable members clearly to understand what they are doing if they insist on their amendment. Unless they change their attitude on this point, we could have the situation of a union campaigning against the abolition of a shopping district with no organization seeking people to support the contrary view. Even though voting in the shopping hours referendum was compulsory, there were allegations made that it was a one-sided affair because of the concerted advertising on the part of the interests supporting the "No" vote but no organization conducted a campaign supporting the "Yes" vote. If voting was voluntary this would have a much greater effect.

I appeal to honourable members to change their attitude to the amendment they made to the Bill and ask them to support the House of Assembly's amendment to their amendment.

The Hon. R. C. DeGARIS: I am pleased that the Minister was blushing and smiling as he made his remarks. I admit that the House of Assembly's amendment appears to be a good compromise, but indeed it is the exact opposite. To accept that amendment would be to go completely against the principles followed in this Chamber. The Minister said something about the grounds of the organization of trade unions and how they could get themselves organized to oppose the abolition of a shopping district; but would they also get themselves organized in the creation of a new shopping district? There are two sides to it. I would not quite agree that the Minister of Lands was responsible for the submissions he has just made: I think that they were prepared by somebody else closely connected with the Bill.

The Hon. A. F. Kneebone: I would not agree with that.

The Hon. R. C. DeGARIS: The Minister may correct me but I think that somebody else prepared the submissions he made. I disagree entirely to the House of Assembly's amendment to our amendment, for it is directly contrary to the spirit of our amendment. Therefore, I oppose the Minister's suggestions and hope that the Committee will hold to its original amendment.

The Hon. Sir NORMAN JUDE: Some months ago our friends opposite were given a warning about the referendum, a warning they did not heed. They went ahead with it. They cannot deny that they got a result that took them nowhere. They would not heed the advice they were given. It has now transpired that some 23,000 people did not vote at that referendum. Why did they not vote?

The Hon. D. H. L. Banfield: Because we are an affluent society.

The Hon. Sir NORMAN JUDE: We shall find out in due course why they did not vote. We are now confronted with compulsory voting on purely domestic problems. No wonder the Minister was blushing at the explanation he had to give. Honourable members stick up for the rights of the individual but an individual who has not had very much consideration in this Bill is the consumer. The consumer can get his requirements by the staggering of hours, as is done in other countries. I am all for that type of trading. I supported the Government on this Bill because I felt at least we should be stabilizing the matter but, when it comes to compelling people to vote on these social and domestic matters, I say that any idea of compulsion is repulsive to me. I agree with the Leader on this amendment.

The Hon. E. K. RUSSACK: I favour a non-compulsory vote. Let me give the figures again. There were 45,326 (or 9.78 per cent) informal votes in the referendum (these are official figures from the State Electoral Office) and 50,981 (or 10.82 per cent) people who failed to vote. I suggest that the people who submitted informal votes were confused. The issue with which we are dealing now concerns voting at the local government level. I read today in a country edition of a newspaper that on Saturday last there was a local government poll, voluntary, of 56 per cent, and there was not one informal vote—I suggest because the people who voted knew what they were voting for, and they went to the poll for that purpose. Of the 50,000 who did not vote at the referendum, 23,000 are to be prosecuted. I support the amendment of this place that voting should not be compulsory.

The Hon. A. M. WHYTE: Referendums are usually not of much use unless voting is compulsory. My attitude to voting at referendums is entirely different from my attitude to elections. People who might complain loudly about an issue should be forced to express an opinion if a referendum is held. At the last referendum many people did not know what they were voting for. If the Minister had referred to compulsory voting at a referendum on a domestic and social issue, I would have supported him. I hope he will give a further explanation.

The Hon. A. F. KNEEBONE: This is a domestic issue if ever there was one. It concerns a referendum on whether or not a district will become a shopping district. It was suggested that the statement referred to was not my own: irrespective of whose statement it was, it completely expressed my sentiments. If we do not have compulsory voting we will see a return to the old system of intensive canvassing for and against the establishment of a shopping district. We will see, too, the same sort of thing as happened during the last referendum, when one group with much money campaigned vigorously. The Government held that referendum without supporting either side. During the second reading debate on the referendum Bill I was asked what the Government would do to advertise the opposing points of view. I replied that the Government would publish a statement that gave both the pros and the cons. However, one group with much money supported one side of the issue, but the other side of the issue was so weakly supported that at some polling booths there were not even people handing out how-to-vote cards for that side. I know of one member of another place belonging to the Opposition Party who was a great advocate for one side.

The Hon. A. M. WHYTE: I do not want my vote on this matter to be misconstrued as a vote in support of compulsory voting in local government elections. I should therefore like the Minister to give a further explanation.

The Hon. A. F. KNEEBONE: The Returning Officer for the State, not the council, will be conducting the referendum.

The Hon. R. C. DeGARIS: Does the Minister think that the money spent on the "No" campaign before the last referendum affected the outcome of the compulsory vote? Also, can he say whether voting within the trade union movement is compulsory or voluntary?

The Hon. A. F. KNEEBONE: Some trade unions have voluntary voting and some have compulsory voting. Some trade unions call meetings that they expect all members to attend; if a member does not attend he may be fined. Voluntary voting is carried out in most situations. I cannot give a reply to the other question of the Leader.

The Hon. D. H. L. BANFIELD: The Hon. Sir Norman Jude said that the Government did not heed a warning that he suggested was issued before the referendum. I suggest that the honourable member had better heed the warning of the Minister of Lands, who pointed out what the position would be if we did not include this provision for compulsory voting. The shop assistants have done exactly what the Minister of Lands referred to; they did it about 10 years ago, and the poll was carried by an overwhelming majority for the Elizabeth district to come into the shopping zone. However, because of a technicality, under the then Attorney-General (the late Hon. C. D. Rowe), the Playford Government of that day was able to get out of a very tricky situation, but it did not have a smile on its face at that time.

The Hon. Sir NORMAN JUDE: Obviously our friend is very closely associated with municipal and metropolitan matters. If he was a country worker, I wonder how he would want the shop assistants in his town to decide the matter.

The Committee divided on the motion:

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

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

Majority of 9 for the Noes.

Motion thus negatived.

The following reason for disagreement was adopted:

Because the amendment made by the House of Assembly is a direct negative to the expressed intention of the Legislative Council's amendment.

Later:

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

The Legislative Council granted a conference, to be held in the Legislative Council Conference Room at 7.30 p.m. on Wednesday, November 25, at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, A. F. Kneebone, E. K. Russack, and C. R. Story.

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING)

Adjourned debate on second reading.

(Continued from November 19. Page 2851.)

The Hon. Sir NORMAN JUDE (Southern): The Bill has few primary purposes. Eleven reasons were given for its introduction in the second reading explanation. Summed up, first of all, it deals with activities that seem to be

associated with going to the dogs—not an unreasonable requirement. Legislation was passed last year that tended to be an assurance that betting on dog-racing would be permitted. Those of us who are realists realized that the introduction of this legislation could be expected in the not too distant future.

The Bill follows the Assembly's resolution last year that stated that it was desirable, in effect, that facilities for betting at dog-racing should be made available. Speaking as a person who has had reservations from time to time about increasing gambling facilities, I say that at the same time my reservations have been tempered by the fact that a person has every right to do what he likes with his money after he has paid his taxes and his creditors. On this occasion, I cannot find any disagreement with the right to bet on greyhounds coursing after lures.

Most honourable members will be aware that betting has been allowed on live-hare coursing for many years. I do not know to what extent it has been legal betting, but it certainly went on long before the days of bookmakers on racecourses or at live coursing meetings. Another part of the Bill introduces jackpot totalizator betting. The only problem in regard to this matter is that there is no provision in the Act for the carry on from one week to another week if no-one strikes the jackpot. That is a machinery measure in connection with horse-racing, as described in the Statute Book and approved by Parliament.

I now refer to what is technically labelled the redistribution of totalizator returns. I am rather surprised that no member in another place, from what I have not read in the press, congratulated the Government on the fact that it has seen fit to realize that, if racing clubs are to provide increased totalizator facilities, things such as jackpot totalizators require more technical handling. As the racing clubs cannot get more money directly or through totalizator agency betting and from the bookmakers, I should have thought that at least some member would congratulate the Government on standing by what it said when in Opposition. I am not certain that the Chief Secretary did not mention this matter even when he was in Government previously. The Government said that it would review the matter and probably consider it favourably if the general returns were satisfactory when this matter came up again. I am pleased that the Government has seen fit to return all of the 1¼ per cent to the racing clubs in order that they may go ahead with their expensive improvements.

Arguments can be advanced for and against mid-week racing, and I have had reservations about it from time to time. I am associated with several country racing clubs, and I have often wondered whether it would involve them in hardship. However, I am certain that horse-racing must benefit by the centralization of the fund-building amenities. It could be said that this type of legislation means the death of country racing, but I do not believe that. What country racing needs is a financial shot in the arm. One could not make people breed horses at Port Augusta, but one could do that in the South-East, because people in the South-East do not worry about this type of legislation unless mid-week racing is conducted in the metropolitan area on the day of the Naracoorte Cup and the Mount Gambier Cup meetings.

The Hon. A. J. Shard: There is no intention of doing that.

The Hon. Sir NORMAN JUDE: I understand that the controlling body has given an assurance and an undertaking that these meetings will not be interfered with. Several racing tracks nearer the city could claim to be affected to some degree, but we must consider the overall arguments. Where do horses, trainers, and jockeys come from at these courses? More important, where do the punters come from? The answer is undeniably that most (say about 80 per cent) come from the metropolitan area. Obviously, mid-week race meetings in the metropolitan area at the three large racing clubs with all the amenities they provide will be a tremendous advantage to all racing activities. The overall profit from those meetings will enhance the total profits of on-course and off-course betting.

The Hon. D. H. L. Banfield: Will it cause absenteeism?

The Hon. Sir NORMAN JUDE: I shall not enter into that argument because I believe that people can do what they like with their money in their own time. I do not say that I would encourage it, but I do not wish to pry into the lives of people. Basically, I do not think it interferes with many people. Having said that mid-week racing on six days will be a good thing for racing, that nearby country people will benefit, and that towns farther out will not be affected, I remind honourable members that I have an amendment on file that deals with an extraordinary anomaly that has occurred.

The Hon. A. J. Shard: The anomaly is not in the Bill, is it?

The Hon. Sir NORMAN JUDE: No; but it has been apparent for some time. The Bill refers to the use of only two enclosures as agreed to by the Government. Originally, it was agreed by both parties that only two enclosures need be opened on the courses, the grandstand and a cheaper enclosure, and it was suggested that the other enclosure to be opened should be the flat. It was then pointed out that the costs of mid-week race meetings would increase enormously if facilities on the flat were provided at Morphettville and Port Adelaide, but that much could be saved if the S.A.J.C. and the P.A.R.C. opened their derby stands at the price charged for the flat for these mid-week meetings. Unfortunately, an anomaly occurred.

The Hon. D. H. L. Banfield: It was there when they agreed.

The Hon. Sir NORMAN JUDE: It was when the original agreement was made. We have often agreed to things but this place has a habit of improving them. The anomaly deals with the question of the flat at Victoria Park, which has been free for many years. I have no objection to that. The terms of the original lease were such that the club, to obtain a lease of so many acres inside the track, had to provide betting facilities for the totalizator and bookmakers over that area. If the A.R.C. permits its patrons to enter the derby at the flat price they will be there for nothing, and every honourable member must realize that this is somewhat unreasonable. I remind honourable members that the flat could still be opened for some hundreds of people, who take children there, but who do not wager. In particular, father or mother, as the case may be, will be able to go across into the derby and pay the same fee, under my amendment, as they would be charged to go into the derby at Morphettville. There is this additional thought: if we go to the National Park at Belair, we enter for nothing; but, if we use the tennis courts, play golf or use the cricket pitch, we pay for those things.

If we go to the west park lands, near the Adelaide Boys High School (which, incidentally, should never have been built on the west park lands; it should have been built opposite them) there is a good playing area there. I had great trouble in persuading an ex-colleague, the Hon. Mr. Bevan, who said that the park lands must be free to all and sundry to walk their dogs, if they wanted to, with no fences. However, he agreed we should erect cyclone fencing around the park lands, which are one of the finest grounds in South Australia. That area is open to the public: people can dance there in the moonlight if they want to. On the occasion of an interstate hockey match or a high school match, a charge is made. That is all that is suggested for Victoria Park. The time has come when we cannot provide these amenities for nothing.

The Hon. C. M. Hill: Will the Adelaide City Council have anything to say about your amendment?

The Hon. Sir NORMAN JUDE: We never heard anything from the Adelaide City Council about the freedom of the park lands when it came to parking motor cars. It said, "You cannot park cars in and around the park lands unless you pay something; they will wear out." I never heard honourable members opposite in those days raise old Harry about it. Very few members had any doubts about it. We must realize that today people are prepared to pay for reasonable amenities. In this case it is only 25c. There will be amenities with increased totalizator facilities. After all, we do not allow even our public toilets in King William Street to be free: we expect people to pay for them. When I move my amendment in Committee, I look forward to the support of honourable members.

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

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2746.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support this Bill to amend the Education Act, and should like to congratulate the Minister upon using his many years of experience in the educational field to make some notable and worthwhile alterations to the Act. We are now entering the period of high-speed production-line legislation. This Bill is of such magnitude that it merits far more attention than a few days' perusal by honourable members in an already overloaded week. It contains items that have been under discussion in the education world for months (and in some instances for years). The preparation of these amendments has been in hand between the Government and the Education Department for some time, and we should all be given the chance to study them in depth. Our task, however, is made somewhat easier by the very clear drafting of the Bill.

Turning then without delay to the Bill itself, I draw the attention of honourable members to clause 4, which regularizes the Minister's power to acquire land under the Land Acquisition Act, which is a statutory provision. Clause 6 seems reasonable and makes the streamlining of appointments, transfers and promotions possible by giving the Minister power to delegate his authority in these matters while keeping the matter of dismissal strictly under his control, which is a right and proper precaution.

Clause 9 provides for long service leave for Education Department teachers to be granted after 10 years' service. This brings them into line with other public servants. This clause reflects, too, the change in thinking about the teaching profession. In the past, in some quarters, it was felt that the long breaks in the teachiing year made the same allocation of long service leave as was given to workers in industry and in other parts of the Public Service unnecessary. It is interesting to note that the Bill provides for 90 days on full pay or 180 half-days after 10 years' service. This is the same type of wording as is found in the Education Act as it stands today. In most other spheres where long service leave applies, the provision is for three months' leave to be taken as 13 calendar weeks. I invite honourable members to look up for themselves section 3 of the Long Service Leave Act, 1967. There is a lot of difference between 13 continuous calendar weeks' leave and 90 days' leave if the days leave can be calculated on a week of five working days. This could represent 18 groups of five days and opens up entrancing prospects when combined with school term breaks. I respectfully ask the Minister to elucidate this point.

My interest in this wording is deepened by the proposition introduced for the first time for the teaching profession that the pro rata leave for a teacher for each continuous year of service after the first qualifying period is at the rate of nine days for each year. This would suggest that he is to receive nine working days' leave, not a week or fractions of weeks, the pro rata amount commonly applying in the Long Service Leave Act. In this matter of change in long service leave, I ask the Minister whether this will be retrospective to any degree. What is the position of the teachers retiring, for example, next month at the end of the school year after 10 years' or more service?

Clause 10 is straightforward and reasonable, making provision for a teacher to carry with him his entitlement of leave should he transfer to other Government employment. Clause 11 is the same provision for this traffic in reverse, as it were. Clause 12 is excellent from the point of view of both teachers and those they teach. The idea that a teacher must retire as soon as he reaches the retiring age is most unsatisfactory for the pupils, who may be studying for the Public Examinations Board exams and may then have their studies completely disrupted. Often a replacement, especially in one of the science subjects, is not easy and all manner of difficulty arises. This clause gives safety and continuity to the students in their work.

Clause 13 deals with the matter of school committees and councils becoming incorporated as bodies corporate. This is an entirely new concept of school committees and councils. They are being put into the position whereby, subject to the Minister's approval, they will be able to deal in property and finance in a way in which they have not been able to do before. It provides for the incorporation of these school committees and councils so that they may have a continuing existence and become legal entities with the accompanying responsibilities and rights. The proposal as outlined by the Minister (namely, that, subsequent to these arrangements, they may be able to borrow money against projects for their schools) seems to be reasonable.

The Hon. D. H. L. Banfield: Donations will then become deductions for income tax purposes.

The Hon. JESSIE COOPER: Yes. This will be an interesting experiment in encouraging greater responsibility, activity and aid to the schools by the parents and friends associations and like organizations. I am very much in favour of these provisions. At present the complete cost of any project has to be raised before it can be started. With this proposed change the school committees can raise half the total and that will do in order to get the project started, and then they may, under certain conditions, borrow the rest. The only query in this arrangement is this: who finds the ultimate 50 per cent? Maybe there will be occasional slips in this new arrangement, but I think the advantages will far outweigh the occasional difficulty.

If a parent organization takes on a project that means a five-year money-raising campaign, the delay can be very discouraging. In many cases it causes waning enthusiasm and neglect of opportunity. It is difficult enough to encourage parents to contribute towards some special project under any circumstances. To ask them

to make a donation or raise funds for some amenity which is unlikely to be completed in time for their own children to enjoy it is a most thankless task. I foresee that there will be occasions when the Minister and the Treasury may well be left to carry the burden of their guarantee either because the parent organization has had a breakdown in activity or because a group of non-enthusiastic or non-co-operative parents has taken the place of the original movers in the project. But, as I have said, I think that this small cost might well be balanced by the great advantages from many successful projects. In any case, the introduction of the School Loans Advisory Council will ensure that, before permission is given to raise loans, a completely sound basis for operation has been established.

These are the main subjects in the Bill, although the remaining items are important enough. Clause 14 is largely a departmental matter, referring to advisory curriculum boards for primary and secondary education, and I am glad to see in new section 28 (3) that there is an opportunity for close liaison with private schools in curricular affairs. Clause 18 gives greater flexibility in the interchange of personnel of teachers colleges and universities, which again is a modern approach and I believe one to be recommended. Clause 20 will bring joy and relief to countless thousands of teachers who have been irked and frustrated by the time consumed in keeping attendance rolls, with all their repetitive work. I think this new approach may bring certain difficulties, but this is after all largely a domestic matter. These are the main points in this important Bill, which I support.

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

BUILDING BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2786.)

The Hon. L. R. HART (Midland): For practically half a century there have been amendments to building legislation. Consequently, reference to the principal Act has been very difficult. In these circumstances I am sure that all those associated with the building industry will be very happy to have a completely new Bill to refer to. I join with the Hon. Mr. Hill in commending the Building Act Advisory Committee for preparing the ground for the introduction of this measure. Under this Bill the committee now becomes a statutory body, apparently in perpetuity. Possibly there is a good reason for this change, which honourable members will be able to discuss. There is always some difficulty in drawing up an Act such as the Building Act in that the building owner must be given protection against the unscrupulous operator whereas, on the other hand, the legislation must not be so restrictive as to unduly hamper the reputable builder.

The builder is always regarded as the villain of the piece. However, I believe that this is not always so. There are many reputable builders who endeavour to erect buildings and structures that will stand the test of time. Also, some people who purchase these buildings are continually looking for some flaw in them and, by their own actions, may even cause the flaws in buildings. Those same people then blame the builder for the situation that develops.

The Building Act is one of some antiquity and, considering its great importance and the effect it has on the every-day lives of the citizens of this State, it has been amended relatively little over the 47 years of its existence. It is an Act of some complexity. This is borne out by the fact that the advisory committee took many months to lay the foundations on which the Bill is based.

In recent years we have seen a great change not only in the methods of construction but also in the types of material used in building construction. I have no doubt that there will be even greater changes in the future, particularly with the erection of prefabricated buildings not only for housing purposes but also for industrial use. These aspects alone do not complete the ingredients contained in this amending Bill, for many administrative matters are mentioned. However, much of the detail is subject to regulations. I know that this is normal practice and that regulations are subject to Parliamentary perusal. However, it is a matter of deep regret that many of the requirements of the Act must be introduced by way of regulations rather than be contained in the Act itself.

The Hon. R. C. DeGaris: And the reverse can apply: exclusions can be introduced by regulation.

The Hon. L. R. HART: That is true. The Minister himself has said that the teeth of this Bill are in the regulations. I feel sure that some of the teeth will be very sharp and that the result could be very confusing to a number of people who will have to operate

under the legislation. I am sure that if a Draftsman was given sufficient latitude he could achieve within the Bill itself many of the requirements that will be introduced by regulations.

One provision that has received some criticism is the one that specifies that the Act shall apply over all areas of the State administered by local government. Previously, local government itself decided whether the Act should apply over the whole of its area or over any part of its area. There are moves afoot to bring the whole of the State under local government, in which case one can visualize the situation at Marree, Oodnadatta, and Coober Pedy where both white people and the Aborigines live under very primitive conditions. Are these conditions going to be tolerated if these areas are brought under local government and, consequently, automatically brought under the jurisdiction of the Building Act?

For the Act to function satisfactorily, local government must assume in many instances greatly increased administrative responsibilities. This in turn will mean increased staff and increased costs which may not be fully recoverable in the fees collected. If this should be so, then the inevitable result will be increased rates. This is another form of taxation. The application of this legislation will pose many problems for local government, particularly in the rural areas. I think all honourable members are conversant with the structures that some Aborigines inhabit in some country areas that are at present under local government. Indeed, one occasionally sees numbers of the white population living under similar conditions. These areas will be automatically brought under the control of this legislation, and it will be interesting to see the effect it will have on the people I have mentioned. Are these people to be proceded against now that the application of the Act is being widened?

We have certain types of structures that farmers build for the protection of their animals against inclement weather, be it hot or be it cold. Some of these buildings may be permanent, while others may be of a temporary nature. One can quite easily visualize a pigsty that has been built with timber and with a straw roof. This has been the practice with farmers for a number of years as a method of housing their pigs, and it has been a very satisfactory one. I doubt whether those materials or that type of structure would comply with the Act once it applied in those areas.

It is not good enough to say that this Act will be administered sympathetically with regard to certain structures on rural properties. I believe that the guidelines should be laid down in the Bill itself. It may be suggested that councils can make by-laws. However, as honourable members know, by-laws have to run the gauntlet of Parliament and, if a by-law was not acceptable to the Government or was not in conformity with the Act itself, no doubt it would not pass. However, if it was acceptable to the Government, the Government itself could make the change by proclamation.

Under this Bill there are very limited areas in which local government can make by-laws, so I am not too sure whether a local government body itself could make a by-law to exempt certain areas within its own district from the operation of the Act.

The Hon. C. M. Hill: I think the point you were just making of materials for structures comes under the regulations to be made by Parliament.

The Hon. L. R. HART: Yes. A great deal of economic hardship will ensue if farmers are not permitted to continue with many of the structures used in their animal husbandry. The term "structure" is widely used in the Bill, but there is no definition of "structure". If "structure" could be defined, it would no doubt lessen the problems associated with structures on rural properties. Among structures we could include such things as windmills, pumping plants, bores and many other things which, I am sure, are not meant to be covered by the Act but are certainly ensnared in it, as I see this Bill.

The Hon. R. C. DeGaris: We had a similar situation with the Builders Licensing Act.

The Hon. L. R. HART: That is true.

The Hon. M. B. Dawkins: And there was no proper definition of "building".

The Hon. L. R. HART: That is a problem. One of the things that has caused much dissatisfaction with buildings erected today, even by reputable builders, is the failure of foundations. Although the foundations may comply with the specifications, the failure or cracking is often caused by soil conditions. I believe that some consideration and even research should apply to soil conditions, particularly in housing estates.

Two factors are involved in this. One is that the natural soil conditions are sometimes unsuitable for buildings of any nature. I refer to the type of soil known as Bay of Biscay in which cracking takes place in the soil itself, thereby promoting cracking in the buildings if suitable foundations are not laid. In some areas, particularly in older areas where houses are demolished and new buildings are erected, the type of soil where the old building stood might be satisfactory but, in many cases, where an underground tank has been adjacent to the area that has been filled in after the old building has been demolished and the new foundations have been laid there after a period of time, subsidence takes place in the soil and cracking occurs. This problem has caused much dissatisfaction to the owners of the building, but the builder, not knowing that the particular soil condition existed, has erected the building on foundations that complied with the specifications.

This is an area where more attention should be given to the type of soil on which buildings can be erected. Clause 6 deals with definitions. The word "structure" is not defined; however, it is to be defined in the regulations. If we are to define every type of structure in regulations, I anticipate a copious list of regulations covering this word. A structure could even be the proverbial dog-house. Clause 61 (h) states that the regulations may:

Provide that where a building or structure erected or constructed before the commencement of this Act is demolished, destroyed, or taken down to a prescribed extent it must be rebuilt or reconstructed in complete accordance with the provisions of this Act.

Again referring to farming properties, I point out that certain buildings on farm properties are constructed of a type of material that would not be permitted under the Act. A building might be damaged and a portion of it might be demolished and the building rebuilt on the base that is sound at the time. Under the regulations, this type of building, once even partly demolished, cannot be erected of the same material. This could cause hardship in certain country areas. I have already cited a pig stye built of timber and straw; such a building would not be permitted in the future. Another regulation prescribes the materials to be used. Here again, every building or structure erected would have to come within the ambit of the Act.

It must get the sanction of the authority to be appointed for this purpose. My main concern about clause 9 (3) is the words "would adversely affect the local environment". First, I would have thought that this aspect would be taken care of in the Planning and Development Act. If it is necessary for councils to have this power, it should also apply to buildings owned by the Crown. I could cite many instances where buildings owned by the Crown could destroy or adversely affect the local environment. However, such buildings are exempt from the Acts provisions. I think the Hon. Mr. Hill referred to the Highways Department building at Walkerville. If that building had been erected by any authority other than the Government, obviously the local government body would have objected to the erection of it on that site.

The Hon. C. M. Hill: The same might have applied to the Electricity Trust's building at Eastwood.

The Hon. L. R. HART: Yes. If buildings erected by the Crown are not required to comply, the whole value of the Act is lost. The wording in clause 9 (3) is vague, as there is no definition of "local environment"; it becomes a matter of individual judgment. This subclause applies not only to the design and type of construction but also to the purpose for which the building may be used. No doubt, a stobie pole is a structure and, in many instances, it could be said that a stobie pole would adversely affect the environment. This being the case, local government should be in the position to refuse the erection of stobie poles.

I think only last night there was a segment on television dealing with one of the newer developing suburbs in the Hills where stobie poles are destroying the whole local environment of that area. Yet it seems that the trust is permitted to erect stobie poles in such areas, having little regard to the local environment. I find clause 9 (7) rather confusing, as it seems to contradict itself. If a council does not give details of its objection to the erection of a building or structure, its decision could be subject to appeal.

I consider that the wording of clause 9 (8) is inconsistent with other clauses. I suggest it should read, in effect, "when any proposed building work or structure does not conform with the Act"; that is how most other clauses in the Act are worded. Not only do subclauses (2) and (3) of clause 10 not permit any human error that no doubt occurs from time to time to a minor degree in the erection of buildings, but they also prohibit the builder from carrying out any variations given to him by an architect in the course of a building contract. People who have been involved

in the erection of any building sometimes find that minor alterations are made from time to time, thereby improving it. If this clause is carried as it stands, these minor alterations will not be permitted unless they have received prior approval by the council.

The Bill as drafted gives the builder and the building owner no option in this matter. While recognizing the clause's basic contention, its effect would be that the owner would be severely hampered if builders and architects were compelled to comply with it. A similar provision was contained in the previous Act but it was not subject to severe penalties. Minor alterations, such as the change in the width of an architrave around a door that are always necessary in the completion of a building, should be exempted from the provision.

The difference between minor and major alterations to a building contract could be provided for by a subclause of exclusion: "It shall be a defence to any charge arising from this clause if the work carried out can be proved to be minor and wholly without effect on the basic structure of the building." This would need to be examined in the light of fire ratings, etc. This clause could be improved along the lines I have just suggested.

Like the Hon. Mr. Hill, I should like some clarification of clause 10 (4). It was amended in another place by the Minister but it is still not clear to me, particularly in the reference to leasing. Clause 12 (1) deals with emergencies. Since "emergency" implies a situation of improvisation, it may not be possible to give written notice within the required three days. Notification should be given as soon as practicable, and that should be sufficient.

Clause 13 has an element of mystery about it. Surely some broad headings could be stated in the Act rather than by regulation. Clause 16 deals with the power of entry. I do not believe this power of entry should be continued indefinitely. Some limiting period should be stated, after which entry should be obtained only at the request of the owner. I ask honourable members to look at this clause closely, because it is important.. It provides:

The building surveyor or a building inspector may, at all reasonable times during the progress and after the completion of any building work affected by any provision of this Act, or by any term or condition on which the observance of any such provision has been dispensed with, enter and inspect any land or premises for the purpose of determining whether the building work complies with the requirements of this Act.

That means that three or six years after the completion of a building a building surveyor or inspector has the power to enter that building. I realize that these persons should have power to enter a building within a reasonable time of its completion, but not for an indefinite time. Some time should be stated in the measure.

I come now to clause 17 (*e*). In view of the tight schedules of many jobs, it is more in line with the practice of the industry that the builder be requested to give appropriate notice to the council that work is proceeding. If the inspector, having been given this notice, does not appear to carry out his inspection, then the builder should be entitled to proceed. That is a reasonable request, that the builder give the council notice and, if an inspector does not inspect the building, the builder should not be required to delay his building work for an indefinite length of time. The subclause fails to give the council inspectors any responsibility in this matter. They are not required to inspect a building within a specified time but after a lapse of time they are empowered to come along to the building and open up areas of the building to find out whether they are free of faults or not in accordance with this Act. In doing this, if the building is then found to be free of any faults, the cost of the opening up and the repairing work should be borne by the council, and not the builder.

Let us take the situation of a continuous concrete pour. Once a builder starts to pour concrete, it is essential that he complete the pouring of that concrete (whether for the foundations or for the building itself); he cannot delay the pouring of the concrete until the building inspector comes along. We should look at this clause closely, too, and place some responsibility on the inspector for inspecting the building after having been given prior notice within a reasonable period of time.

I come now to clause 20 (1). I agree with the Hon. Mr. Hill that a "chartered builder" should be added to the panel of referees. I will now read, in part, clause 27 (1) to explain what I wish to say. It relates to the power to modify requirements of the Act. It provides:

Where it is proposed that any building work be carried out, and the owner of the land or premises on which the building work is to be carried out, the builder or the architect, has lodged with the council a notice in writing claiming that certain provisions of the Act are inappropriate or should be modified . . . the matter shall be heard and determined by the surveyor and the referees.

It is peculiar that the matter should be heard and determined by the surveyor and the

referees, as the surveyor himself may be in the position of having to give evidence about the building; so it is a case of Caesar appealing to Caesar here. It would be more appropriate if the referees alone heard the case. If they required the knowledge of a surveyor, one could be obtained from outside, but the referees in many cases may include a surveyor not associated with a particular building.

Nowhere in Part IV of the Bill, which covers clauses 20 to 33, dealing with Building Act referees, is there any reference to the conduct of the hearing of an appeal. It would be only reasonable to expect that appeals heard by referees should be dealt with within a stipulated time and the judgment should be passed down within a further time limit. I cannot suggest a time limit for the moment, but I think that 14 days would be a reasonable time within which referees could deal with an appeal, and a further 14 days in which to hand down their judgment. If that is not provided, there can be an undue delay in the erection of a building, a delay that need not occur, particularly if the referees' judgment is in favour of the builder himself.

In clause 34 (1) (*c*) we should delete the words "prejudicial to persons or property in the neighbourhood". Health hazards are dealt with under the Health Act, 1935-1967, or the Sewerage Act, and zoning matters are adequately provided for under the Planning and Development Act, 1966-1967. The words that I suggest should be deleted are open to very wide interpretation and actually give a council the right to stop the building of a business establishment likely to provide competition with a similar business run by a ratepayer or member of the council. This may not occur regularly, but there is a possibility of its happening.

Subclause 35 (4) and other subclauses of a similar nature throughout the Bill, including 60 (*p*), appear to be a duplication of powers given to the Department of Labour and Industry inspectors under the Construction Safety Act. These clauses need re-examination so that any duplication can be avoided. I ask the Government to look closely at this clause. In connection with clause 35 (6), I believe that the surveyor himself, rather than some other authority, should serve the notice on the owner. The surveyor should set out his requirements in the notice. If proper notice is served under subclause (6), there is no need for subclause (7). Subclause (8) could also be struck out. Proper notice should be served in all cases, and the surveyor should not be given arbitrary powers that are not subject to appeal. The question of a direction, dealt with in subclause (8), should remain with a court.

In connection with subclauses (1) and (3) of clause 39, I share the opinion of the Hon. Mr. Hill about amenities. Who is to judge what is unsightly? Are our architectural standards to be equated with those of the local council inspector? I believe that the standards set down by the architects should not be subject to the possibility of their being rejected by a local council inspector. Regarding clause 51, I fail to see why the exemption of the Crown is justified in all cases. I am prepared to concede that an administrative building erected by the Crown should not be subject to the provisions of this Bill, but many domestic buildings that are associated with administrative buildings should come under it. Whilst a post office need not come under the Bill, the home occupied by the postmaster but owned by the Crown should come under the Bill. Perhaps we could overcome this difficulty by inserting in the clause after "structures" the words "other than domestic buildings". One provision in the legislation at present in force that is not in this Bill is that, upon a plan being properly presented, it must receive the due attention of the council, with approval or rejection within six weeks. I believe that this omission should be rectified. Perhaps the Minister may bring forward amendments during the Committee stage to put into effect my suggestions. I support the second reading of the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

In Committee.

(Continued from November 17. Page 2696.)

Clause 5 passed.

Clause 6—"Regulations."

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

In paragraph (*b*) to strike out "paragraph" second occurring and insert "paragraphs"; and to insert the following new paragraph:

(*bb*) providing that licences may be granted in accordance with the regulations by the Minister permitting the cultivation of prohibited plants:

The Hon. Mr. Kemp suggested that licences should be granted in accordance with the regulations by the Minister to permit the

cultivation of prohibited plants. I have taken up this matter with the Director-General of Public Health. We have found that, as the honourable member has said, this matter is covered in Tasmania and New Zealand.

The Hon. H. K. KEMP: I thank the Minister for moving this amendment. Over the period of nearly 40 years during which I have been associated with growing curious plants in curious places, it is surprising how many times there has been a need for a change in legislation. The amendment gives a little flexibility.

Amendment carried; clause as amended passed.

Clauses 7 to 10 passed.

Clause 11—"Proceedings."

The Hon. H. K. KEMP: I move:

In new subsection (1) after "penalty" to insert ", for a first offence,"; and to insert the following new subsections:

(1aa) Where a person is convicted of an offence against this Act, and he has been convicted on a previous occasion of an offence against this Act, he shall be sentenced to a term of imprisonment of not less than two years.

(1ab) Where a person is convicted of an offence against this Act and the offence involved the supply of, or an offer to supply, a drug to which this Act applies to a person under the age of eighteen years, he shall be sentenced to a term of imprisonment of not less than one year in addition to the penalty awarded under any other provision of this Act.

Without doubt, one of the most terrible crimes that can be committed in our community is the offering of drugs that are likely to lead to addiction by young people. I think it is time that somebody who had convictions in this matter stood out clearly against the permissiveness which is so often being brought to this subject. Under my amendment, anyone who repeats a crime against this Act will be treated in a salutary manner.

Originally, I had thought of a very much more severe penalty, and I was restrained from putting it forward in amendment only by the derision that met my thought that anybody who offered a teenager a dangerous drug or tried to pander to him or her should receive corporal punishment. However, I have come to the conclusion that this type of punishment is not acceptable to the majority of my colleagues. I have tried to increase the penalty under this legislation. I am quite happy for the penalty for a first offence to remain at $2,000 or imprisonment for two years, or both. However, I consider that for a subsequent offence the penalty should be imprisonment for not less than two years.

The Hon. A. J. SHARD: The Government cannot accept this amendment.

The Hon. H. K. Kemp: You are bloody well going to let them get away with it, are you?

The CHAIRMAN: Order!

The Hon. A. J. SHARD: We have given much thought to penalties. I never thought I would see the day when I would stand here and advocate such severe penalties. It is an enormous change for my Party to take such severe steps in trying to meet the difficulties in connection with these offences. On numerous occasions I have strongly advocated that the onus of proof rests on the Crown in proving guilt, and I did not think I would ever reverse my view on that subject. This illustrates how seriously the Government regards drug offences.

The Government, after discussing penalties, considered that the penalties outlined in the Bill were severe; in fact, perhaps more severe than most of the penalties contained in the Statutes. If they prove in time to be not severe enough, I believe that would be the time for the Government to alter them. I ask the Committee not to accept the amendment.

The Hon. H. K. KEMP: The evidence put forward in the last few months is that Australia, because of its fairly remote position, is becoming the clearing house in world commerce in these drugs. Because of our remoteness, it is very difficult to erect defences against such traffic. The most vulnerable State in this regard is South Australia because we have such a long and complex coastline. South Australia is also the most convenient State in this regard, because it has a long, sheltered coastline in which these drugs can be dropped off so easily and because it is only a comparatively short travelling distance from the main centres of population in Australia. In fact, it represents only one day or one-and-a-half days of travel in a modern motor car.

We must not think complacently in this regard. Evidence was put before us nearly two years ago that L.S.D. parties were being held in Adelaide. I am afraid that we already have in Adelaide people who are putting temptation before our youngsters. This can be proved. We cannot fob these things off and say that if they happen we will do something about them. It is time that people who felt strongly about these things took a stand and

made it obvious that we were not going to have this sort of thing in our community or that, if we find it in our community, it is going to be punished in the most condine way possible.

In my opinion, the most terrible crime that can be committed is to offer and pander to and encourage a teenager (with all the stresses with which that person is inevitably confronted just because of his or her own stage of life) to have access to these drugs. It is much worse than murder, in my opinion, because inevitably if that child gets hooked he will die very soon in the most horrible manner. I sincerely hope that the Committee will back me in making it a very salutary punishment for any offence in this regard.

The Hon. V. G. SPRINGETT: The question of punishment is very complex. No more unpleasant crime could be committed than peddling and pushing narcotics. Many narcotics come into Australia, but it is assumed that the most ready place for them to be landed is not South Australia but the Northern Territory, although some come in through the southern part of the continent. Many pushers start their drug-taking career as victims. They have had to peddle in order to get their own supplies. Nine times out of 10 the people who get caught are these tragic victims. I wish to be sure not that they will not go to gaol for two years but that they will get treatment so that the community will be protected against their activities. Two years' treatment would give hope to some of these people, but others are too far gone to benefit from such treatment. I urge the Committee to keep a sense of perspective and remember that very often the pusher we are trying to punish is as much a victim of his circumstances as is the person to whom he sells narcotics.

The Hon. R. C. DeGARIS: I agree that no penalty is too severe for the person who deliberately supplies drugs to a person under the age of 18 years. However, I consider that the amendment goes a little too far. Does the amendment apply to a person who is an addict and not necessarily a peddler? It seems to apply to any offence committed under the Act. Is that so? If it is, that seems to be a little too stringent, as it may catch an addict who is not necessarily a peddler.

The Hon. H. K. KEMP: Some research has gone into the amendment. The first part is designed to bring under treatment an addict to give him a fair chance to rehabilitate himself. Under our excellent administration at present, a second offender would be brought under treatment to correct his disability.

The Hon. R. A. Geddes: Rehabilitation is not mentioned in the amendment.

The Hon. H. K. KEMP: That must be left to the Prisons Department. The second part of the amendment provides for a salutary punishment for the person who exploits youngsters by peddling drugs to them. The punishment it provides is nowhere near as harsh as it should be. If I had the Committee's backing I would provide for corporal punishment. However, I do not think that the climate in our permissive society would allow this to be done. A second offence would lead to two years' imprisonment, which is the minimum period in which rehabilitation is possible. Under our present parole system the possibility exists for a remission in accordance with the progress an individual makes in his rehabilitation. For a second offence, the punishment should be far more stringent than for the first offence.

The Hon. R. C. DeGARIS: Although I do not agree to the first part of the amendment, which seems to be far too wide, I am prepared to support the second part of it. People in the age group of 40 years and over who were addicted to barbiturates, particularly women over 40 years of age, and who needed treatment may not be attended to, because under the amendment such persons must be subjected to two years' imprisonment. The amendment may well serve the purpose regarding people who are addicted to morphia or cocaine, but many other questions are involved in drug addiction.

The Hon. G. J. GILFILLAN: Clause 12 provides for a suspended sentence, provided that a person takes treatment. The point raised by the Leader is valid, namely, the amendment is too wide. If it related to specific offences, it would be far easier for members to make a sound judgment on the matter. However, as I see it, the amendment applies to any offence contained in the Act. The clause as drafted allows some latitude to the court, because in some cases a penalty is not specifically provided. The amendment is not specific enough. Will the Chief Secretary report progress on this clause?

The Hon. A. J. Shard: No. You have had a week to consider it.

The Hon. R. C. DeGARIS: May I request that the Hon. Mr. Kemp put his amendment in two parts? I am prepared to support new subsection (1ab) but not new subsection (1aa).

The CHAIRMAN: I will put the amendment in three parts. The question is:

That in new subsection (1) after "penalty" the words "for a first offence" be inserted.

Amendment negatived.

The CHAIRMAN: I now put the question: That new subsection (1aa) be agreed to.

The Hon. H. K. KEMP: Does this mean that the whole lot goes by the board?

The CHAIRMAN: No; I am putting new subsection (1aa) at the moment.

Amendment negatived.

The CHAIRMAN: I now put the question: That new subsection (1ab) be agreed to.

The Committee divided on the amendment:

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

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, R. A. Geddes, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard (teller).

Majority of 7 for the Ayes.

Amendment thus carried.

The CHAIRMAN: The amendment just voted on will now become new subsection (1aa).

Clause as amended passed.

Clause 12 and title passed.

Bill reported with an amendment. Committee's report adopted.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2638.)

The Hon. C. R. STORY (Midland): I do not have any experience of mining or of works inspection, but I do have some clear thoughts about the way this Bill has been placed before Parliament. The Hon. Mr. DeGaris, as a former Minister of Mines, gave a very clear dissertation upon the implications of mining legislation. This Bill deals with subjects as far apart as quarryng on the hills face zone and opal mining. The extractive industries have a right to provide for this State quarry stone that is freely available within less than six miles of the metropolitan area. This Bill has, under duress, been hastily brought before Parliament.

The Hon. A. J. Shard: The previous Government prepared it.

The Hon. C. R. STORY: I am pleased that it prepared a Bill. However, it did not prepare this particular Bill.

The Hon. A. J. Shard: Yes, it did. However, there was one important improvement. We put in a right of appeal—that is the only difference.

The Hon. C. R. STORY: The Chief Secretary will have the opportunity to mention where my colleague, the Hon. Mr. DeGaris, who was the previous Minister of Mines, annotated the various parts of the dockets. All I say is that we intended to do something about quarrying.

The Hon. C. M. Hill: We were waiting on the outcome of a Supreme Court hearing.

The Hon. C. R. STORY: Yes. The matters in this Bill should be in a Bill to amend the Mining Act. This is a panic move. A gentleman of tremendous eminence who was once given preferment which did not come to pass and who has visited this State on various occasions made another visit and once again criticized severely what South Australia was doing to its hills face zone.

The Hon. T. M. Casey: You are referring to Professor Marcus Oliphant, I believe.

The Hon. C. R. STORY: The Minister has expressed his own opinion, but I am speaking to the Chair at present.

The Hon. T. M. Casey: Why not come out in the open and say to whom you are referring?

The Hon. C. R. STORY: The Minister usually tries to put words into other people's mouths, but I do not want to be nauseating: I am merely suggesting to the Council that this Bill has been introduced in an ill-equipped form. Most of the matters in it should be in a Bill to amend the Mining Act. We can see that the Government has not really considered this matter when we realize that the Bill deals with places as far away as Coober Pedy and Andamooka, on the one hand, and the hills face zone on the other hand. Victoria has an Act dealing with the extractive industries that contains a provision that we ought to have here. Quarrying has gone on in the hills face zone for at least 125 years. I hate as much as anyone in this Council what is happening there.

It is wrong for the Government suddenly to control in this way the whole of the operations of the people who are quarrying stone; we must

remember that those people are quarrying stone more cheaply than anyone in any other capital city of Australia is doing. It is a great advantage to get the right sort of stone without going 30 or 40 miles for it. Our city owes much to the fact that, because quarrying is carried on in the hills nearby, stone has been very cheap. I believe that the Government could get over the whole difficulty that we are at present experiencing by introducing a Bill in co-operation with the quarrying companies, which I know would be happy to co-operate. However, they are not happy to co-operate when they do not know what will happen under this Bill.

When I examine this Bill I do not wonder that the quarrying companies are apprehensive about their situation. The membership of the advisory committee should be written into this Bill. When one looks at the categories of people covered under this legislation, I think one could come to the conclusion that the whole thing was cooked. I am afraid the Chief Secretary would not like me to say that. However, I do not quite see in this what sort of people we would get. The Government is so discriminatory in the way it has set up this legislation that I do not believe we could fit the right sort of people into it.

As I said earlier, I do not like to see scars on the Hills face. However, the people who are working there have been there for a long time. Provided the Government introduces the necessary legislation to ensure that these people clear up the site after they have finished working, leave certain pieces of land above it to hide it, or camouflage it, I do not think there is any problem. I do not think the extractive industries are objecting to that at all. What they are objecting to is that they are to be put under some tremendous compulsion under this measure and they do not know who the people to exercise that compulsion will be.

The Minister has to accept completely the recommendation of this advisory committee. My colleague, the Hon. Mr. DeGaris, who was Minister of Mines for a period, has some very clear thoughts on this matter which he has expressed to this Council, and I believe that if we follow his suggestions we will bring some real benefit to this Council and also to the people of South Australia.

I cannot for the life of me see how opal mining can get mixed up in this matter of mines and works inspection, for this is a completely different situation. I do not think any of us are over-thrilled about the fact that people are taking bulldozers over pastoral land for many miles. Those people leave the front of the bulldozer down, thereby scraping this country and making bulldust. The miners at Coober Pedy and Andamooka are to be ensnared in this legislation when, in my opinion, they ought to be the subject of a special section of the legislation. We have had clear evidence from the people who own the surrounding country that those people with bulldozers are spreading out to other areas.

The Hon. D. H. L. Banfield: They expect to go up as far as Queensland eventually.

The Hon. C. R. STORY: Yes. As I said, I believe that we should have a separate section to set out clearly what those operators can do. I believe that neither those people nor the extractive industries should be covered by this Act. Therefore, I will support the amendments proposed by the Hon. Mr. DeGaris.

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

SEWERAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2787.)

The Hon. V. G. SPRINGETT (Southern): I support the Bill. Sewage disposal is a public health measure in all civilized countries today, although areas that we would call less civilized have their standards and systems of maintaining an adequate sewage disposal and they keep themselves reasonably healthy. In the middle of the Arabian Desert there is a camel station and a wonderful oasis which has a wonderful cool river running through the centre of the township. At the top of that river people drink, at the next part cattle drink, at the next part again washing is done, and in the lower part sewage is dealt with.

We often refer to the fact that South Australia is the driest State in the driest continent, yet we waste a considerable amount of valuable water supply by not going the whole distance in dealing with our sewage. Obviously, in a country that grows as fast as Australia has done, and in a State whose population has expanded as quickly as South Australia's has, there must be many needs that must wait their turn and their time. Sewage disposal is a health measure, and if it is left undealt with for too long that measure can be a disaster for the community.

Like the Waterworks Act Amendment Bill, this is a Bill which corrects deficiencies in the power and the ability to levy rates. Like the other Bill, it is retrospective in operation to

July 1. The explanation of clause 4 is that charges have been made for quite a long time on property owners or occupiers and work has been carried out by the Minister at the request of or for the benefit of some occupiers. This has been going on for a number of years. It appears now that there is some doubt about the legality of the charge the department has made for this service through the years. Therefore, there is no time to be lost by the Government in its haste to put this right. I see nothing exceptional in this Bill, and I support it.

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

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2788.)

The Hon. R. A. GEDDES (Northern): I support the Bill, which must march parallel with the Sewerage Act Amendment Bill, on which the Hon. Mr. Springett has just addressed the Council, because of the rather gorgeous anomaly after all these years that there are some apparent deficiencies in the power to levy water rates under the Act and it is thought that, whatever the final recommendations of the committee inquiring into water rating are, these deficiencies should be dealt with as soon as possible.

This means that some clever person has found that the original Act, which pertains to both waterworks and sewerage, laid down that all the pipes necessary for the conveyance of water had to go along streets and then serve the adjacent properties. These decisions were made in about 1882 and, because of the speeding up of mechanical means, the idea of only putting water pipes down roads has long since gone. It is economically feasible or practicable to move water through pipes across people's properties, and this has been done for a long time. One of the difficulties that has occurred has been when some person has found out that he has not had to pay water charges. He has appealed to the courts and his case has gone to the Supreme Court. At present, the Government is not able effectively to send out its bills for water used by the community. One very interesting point is that, even though the people are appealing to the Supreme Court on a technicality, the Crown is sympathetic to their case. If they win the case, no other charges will be made against them. On the other hand, people who have dared to raise their voice in the courts of the land against Commonwealth Government legislation, which is always amended in a retrospective manner, are unable to win in the end, whether they are right or wrong. This is a humanitarian practice that South Australia has always followed.

Not many citizens in the State really appreciate the value of the reticulated water system or the romance of the Morgan-Whyalla main, which services not only Whyalla but countless towns and properties between Morgan and Whyalla (it also goes to Woomera and serves cities such as Port Augusta and Port Pirie); it is a magnificent engineering feat. I am reminded that about three years ago a person could not use a garden sprinkler in Brisbane, despite its high tropical rainfall, because insufficient water was available to the citizens there to water their gardens with sprinklers as a result of poor planning and engineering principles and because that State had been suffering the effects of many years of Labor Party government. The Morgan-Whyalla and the Mannum-Adelaide mains are a great credit to the previous Administrations of the State.

One cannot but help wonder at the *laissez faire* attitude that so many citizens of the metropolitan area and country cities and towns take towards the value of water. Those who knew the country on which Elizabeth stands, as it was before the Second World War, will remember that it was agricultural land consisting of scattered farm houses and scattered small communities whose water supplies came mainly from windmills, underground sources and rainwater tanks. In a period of less than 20 years every house in Elizabeth has a lawn, roses and shrubs that need irrigation. We in South Australia are proud of that city as a result of irrigation from waters the sources of which are far removed from Elizabeth.

Scant regard is paid to how the water came there, how it is supplied, and how much can be used. However, one wonders how much longer we can, not with the idea of restrictions on the use of water but with the idea of conservation in the general sense, continue to get water from a tap when it is turned on. Who wrote that water in Australia was like liquid gold? That could not be worded better. How many people waste their energies because of the good planning and good sense in earlier administration in the Engineering and Water Supply Department in supplying water throughout the State?

The right of appeal to the Supreme Court is needed if emergency action is to be taken. The previous Administration appointed a committee,

under the chairmanship of Mr. A. K. Sangster, Q.C., to inquire into a number of matters relating to the imposition of water and sewerage rates. So this is an emergency or interim Bill designed to cover the time between now and when the committee's report and findings are placed before Parliament. The Minister gave a definition of "adjacent land or premises". He stated:

Land or premises become "adjacent land or premises" only if they have a certain defined geographical relationship to a gazetted main pipe and if the Minister is prepared to supply water to them by means of a direct service.

The next important definition is that of "ratable supplied land or premises" which states:

"Ratable supplied land or premises" is defined as being land or premises, not being adjacent land or premises or land or premises supplied by agreement, that either receive a supply of water or in respect of which a supply point has been provided.

That definition is clear. Clause 3 is a validating provision which provides that, as regards the levying of water rates, the amendment will have the effect as if they came into force on July 1, 1970, that is, the beginning of the ratable year as far as the Engineering and Water Supply Department is concerned. This clause also gives retrospectivity to certain by-law making powers contained in clause 4.

Many years ago, by-laws were made by the E. & W.S. Department whereby it was possible that, if the owner of land requested the department to make some alteration on his property, the Government or department could use its gang or equipment. Because of the department's knowledge of water pipes, the by-law stated that it was legitimate that the department should charge the owner concerned a fair and just rate. Because of the challenge to its legality before the Supreme Court now, doubt has been cast on that by-law; so it has been decided to spell it out in clause 4 that it is within the province and the power of the department to make legitimate charges against the owner of land who asks the department for services on his own property. These are the main points in the Bill.

Clause 9 is a necessary evidentiary provision, the need for which arises from the definition of "adjacent land or premises". Land or premises become "adjacent land or premises" only if they have a certain defined geographical relationship to a gazetted main pipe and if the Minister is prepared to supply water to them by means of a direct service. If the Minister is not prepared to supply the water, the land or premises are not then "adjacent land or premises" as defined, and accordingly it is not legitimate for the Minister to rate that particular land.

If it is found feasible, practicable or possible to supply water to land adjacent to the water main or pipe, even though that main or pipe goes past the property and the Minister says he cannot supply, then naturally enough there is no charge or rate on that land. There is a proper section of a similar nature in the Sewerage Act, on which the Hon. Mr. Springett spoke. These two Bills are necessary for good order and government, because of certain anomalies that have arisen; it is necessary that together they receive the attention of the Council and be passed during this session. On those grounds, I have no hesitation in supporting the second reading.

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

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

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

ADJOURNMENT

At 11.30 p.m. the Council adjourned until Wednesday, November 25, at 2.15 p.m.