LEGISLATIVE COUNCIL

Thursday, November 26, 1970

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

PINNAROO RAILWAY ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

QUESTIONS

AGRICULTURAL EDUCATION

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

Leave granted.

The Hon. M. B. DAWKINS: On November 19 the Minister replied to my question about the possible extension of an agriculturally based course similar to that conducted at Urrbrae Agricultural High School. He said that the Education Department was willing to consider establishing further such courses in strategic places, but he also said that there was no substantial demand for that type of course in the country. I am sure that the Minister would agree that it is most important for the many young people who are leaving school after three years of secondary education to have at least an extra two years at secondary level; many such young people could undertake those courses. I believe he would also agree that it is vital for the new generation of the farming community—

The PRESIDENT: I am afraid the honourable member is debating his question. He can explain it, but he must not debate it.

The Hon. M. B. DAWKINS: I am sorry, Sir. I believe personally that it is vital for the new generation of the farming community to be as well informed as possible. Therefore, will the Minister ask his colleague whether the Education Department will endeavour to stimulate interest in this type of course in strategic rural areas so that many young people who are leaving school today after three years at high school may at least get an extra two years of education?

The Hon. T. M. CASEY: I shall be only too happy to take up the matter with my colleague. However, I point out to the honourable member that, as was stated in the reply I previously gave, while it is desirable that further education, particularly of an agricultural nature, should be available to people in country areas, unless we have the numbers who have actually stated that they will continue in their studies it is not practicable to formulate these courses in our country areas. A census that has been taken in this matter has shown that the children in rural areas, for unknown reasons, would not take advantage of a course of this nature if it was made available. This is one of the problems with this type of education in country areas. Perhaps it results from the sparsity of population, and perhaps it indicates that just because a child is brought up on the land it does not necessarily mean that he wants to further his education to go back on the land. Nevertheless, I am prepared to take the honourable member's question back to the Minister and get his considered reply.

REFLECTORIZED MATERIAL

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 Roads and Transport.

Leave granted.

The Hon. C. M. HILL: Over the past two years or so questions have been asked in this Chamber concerning the need for some reflectorized material to be either painted on or attached to the sides of railway trucks as a safety measure.

The Hon. A. F. Kneebone: It has been going on for about five years, I think.

The Hon. C. M. HILL: Perhaps it is a little longer than two years. Recently, when I was in the country, rural people again raised this question with me and stressed to me the great dangers that existed in modern times because long railway trains did not reflect beams of motor cars at intersections in any way at all, and I was asked to pursue the matter further. I know that tests have been carried out by the Railways Commissioner in this State over the past year or two.

These tests have shown road dust and brake block staining which was very marked on the reflectorized material when cleaned off. Also, the reflectorizing properties had deteriorated. However, the main problem, as I can recall it, was involved with this staining. I know, too, that tests were continuing and that the Railways Commissioner was anxious to co-operate and see whether some result could be achieved by which some form of reflecting could be ultimately effected in the interests of both rail

and road safety. My questions are these: does the Government intend to proceed with this testing; if it does, can an interim report be brought down as to whether or not some further progress has been achieved?

The Hon. A. F. KNEEBONE: I am aware of some of the matters to which the honourable member has referred because when I was Minister of Transport I had the same kind of approach made to me about five years ago. The Commissioner's point of view regarding the efficacy of reflectorized material was that, because of the interchangeability of rolling stock throughout Australia (on occasions, we see in South Australia as many as four States' rolling stock running on our lines), it would be difficult to proceed with this matter, which was a Commonwealth-wide problem. It also involved the bogie exchange whereby, even though the coaches were different, the rolling stock could still operate here. The Commissioner did not reject this matter out of hand at that time, but thought that perhaps something could be done. Both in my time and in the time when the honourable member was Minister, the Commissioner was conducting tests, but whether or not this testing has been abandoned I am not sure. However, I shall endeavour to find this out for the honourable member and give him a reply next week.

TALLOW

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

Leave granted.

The Hon. A. M. WHYTE: I understand that, at the last Commonwealth Conference of State Agriculture Ministers, the question of completely and distinctly segregating edible tallow from non-edible tallow was discussed, with a view to setting up machinery to make it possible whereby tallow could be sold in two distinct categories. Can the Minister of Agriculture say whether it is true that such machinery is being set in motion legally?

The Hon. T. M. CASEY: I shall obtain a report for the honourable member.

ADULT EDUCATION LECTURERS

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to my question of November 17 regarding travelling expenses paid to adult education lecturers?

The Hon. T. M. CASEY: My colleague, the Minister of Education, has informed me that it is assumed that, when referring to adult education "lecturers", the honourable member meant "part-time instructors". As the honourable member said in his question, it is frequently necessary for part-time instructors to travel some distance to conduct a class in order that an adult education service can be provided to as many people as possible in country areas. There has been no alteration to the policy of paying travelling expenses to such instructors, nor is it intended to change this policy.

RATES AND TAXES

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

Leave granted.

The Hon. H. K. KEMP: I have in front of me the case of Mr. Ron Baker, of Virginia, whose rates and land tax have increased since 1962-63 from $470 in rates and $726 in land tax to last year's amounts of $960 for rates and $1,408 for land tax. This amounts to $2,368 in taxation levied upon this man each year on property with a gross earning capacity of between $3,000 and $4,000.

This is not an isolated case in that district. This man has repeatedly had before the Minister of Lands some application for slight relief from this impossible position. Will the Minister look into the completely hopeless position in which the people in this district find themselves and, if possible, give them some relief? This man has had his place up for sale at land tax valuation for a number of years past but cannot sell it even at the land tax valuation price.

The Hon. A. F. KNEEBONE: I will look at the case and examine its circumstances for the honourable member.

IMPORTED MEAT

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: In "Letters to the Editor" the other day in the press was a letter alleging that meat was being flown from America into Pine Gap, the United States defence area in the Northern Territory. I realize that this question is probably not one that the State Minister can answer but, because the State has to administer the law concerning the introduction of diseases from the Northern Territory into South Australia, will the Minister ascertain whether it is a fact that meat is being

flown from the United States to Pine Gap and, if so, whether the normal quarantine regulations are being observed in this regard?

The Hon. T. M. CASEY: I noticed a letter in the *Advertiser* recently about this matter and was concerned about it, so I asked the department for a report. The office has no record of the receipt of any communication from the writer of this letter on this matter, and neither has anyone in the department. The department has already been in touch with the Commonwealth authorities about quarantine inspections of aircraft arriving from the United States *en route* to Pine Gap. The aircraft do not touch down in South Australia. It is understood that they land first at Richmond in New South Wales, where Commonwealth quarantine inspections are carried out on every aircraft arriving. The aircraft are subject to further examination by customs officers on arrival at Alice Springs. Having regard to the security nature of the cargoes on those aircraft, there is some question as to the completeness of the investigations that may be made, but our information is that no fresh or tinned meats for human consumption have so far been detected.

We have also been informed that a special high-security inspection unit has been assigned to these aircraft with a view to tightening up quarantine inspections. That is desirable in this case, particularly in view of the hush-hush nature of the operations at Pine Gap, but it would, or could, be a very serious breach of our quarantine regulations if, in particular, fresh meat was being ferried from the United States into this country. I certainly hope the Commonwealth authorities will take very strict security measures, if necessary, as the project is one of top security, to ensure that disease does not enter this country from the United States.

OVERLAND CLUB CAR

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

Leave granted.

The Hon. C. M. HILL: The original plan for further services on the Overland, the train which runs between Adelaide and Melbourne, provided for the introduction of club cars for first-class passengers and cafeteria cars for economy-class passengers. I was very pleased to see that the club cars were introduced recently. I understand they have met with considerable approval. I am concerned, however, for the economy-class passengers. The cafeteria cars were to be converted B.J. cars, and were to provide a take-away service for food, hot drinks and beverages for economy-class passengers. Does the Government intend to proceed with the proposed facilities for economy-class passengers? If so, when will these converted B.J. cars be available for service?

The Hon. A. F. KNEEBONE: : I recall that at the time the club cars came into operation the Minister said this would be followed by the introduction of the other cars for economy-class passengers. I cannot say what progress has been made with the construction of these vehicles but I will make inquiries and bring back an answer for the honourable member as soon as possible—I hope next week.

CITRUS INDUSTRY REPORT

The Hon. T. M. CASEY (Minister of Agriculture) moved:

That the report on the citrus industry laid on the table of this Council on November 24 be printed.

Motion carried.

HOLIDAYS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Since being elected to office the Government has been considering the public holidays that apply in South Australia. Several representations have been made to the Government for an additional public holiday to be granted each year. Requests have also been received that Boxing Day should be observed as a public holiday instead of Proclamation Day. An examination of the position throughout Australia revealed that the majority of employees in Victoria, Queensland and Tasmania are entitled to 11 public holidays, including Easter Saturday, whereas in Western Australia there are 10 public holidays (not including Easter Saturday). In South Australia and New South Wales there are 10 public holidays, of which Easter Saturday is one. The Government has decided that it is only fair and reasonable that employed people in this State should not receive fewer public holidays each year than the standard that generally applies in the rest of Australia.

Honourable members will recall that earlier this year the Government of the time decided to proclaim an additional public holiday to celebrate the centenary of the Adelaide Cup race meeting. This extra holiday was appreciated by the public, although the Government afterwards received a number of complaints at the disruption of business caused by having a public holiday on a Wednesday. In considering the day on which it would be most appropriate and to the best advantage of the public generally to grant an additional holiday, the Government considered the representations that Boxing Day should be made a holiday in lieu of Proclamation Day and also considered the proposal that Boxing Day be proclaimed as an additional public holiday. Because so many employees are granted their annual leave during the Christmas-New Year period, the granting of an extra public holiday at that time would, in effect, only extend the period of annual leave by one day, and it was decided that that would not be to the best advantage of all concerned.

The South Australian Jockey Club Incorporated had asked that, in view of the success of the public holiday held on the Adelaide Cup day this year, this should be made a permanent public holiday. Following discussions with representatives of that club, the Government has been informed that, if an additional public holiday was proclaimed on the Monday instead of the day on which the Adelaide Cup is normally held, which is a Wednesday, the club would be willing to reorganize its cup carnival programme and change the day of the Adelaide Cup meeting to the Monday holiday. This would follow an important race meeting on the previous Saturday. This the Government has decided to do, and one of the amendments made by this Bill gives effect to that decision. By rearranging its cup meeting programme the club would be able to provide a more attractive three-day carnival programme which, it is considered, would be a boost to the racing industry and would provide an attraction to the local community as well as to interstate visitors. I point out that this holiday will normally fall during the first school vacation each year, so it will not disrupt the school programme.

For many years it has been the practice for an additional public holiday to be observed in the years in which Christmas Day falls on a Sunday. This has been done by proclamation on each occasion. Also, on each of the three occasions since the Second World War on which Christmas Day has fallen on a Saturday (in 1948, 1954 and 1965) action was taken by the Government of the day to proclaim the following Monday (December 27) to be a public holiday in lieu of Christmas Day. In order to give some clarity to the situation and save the necessity of issuing proclamations on each occasion, it has been decided to amend the Holidays Act to give effect to the action that has been taken at least for the last 25 years—that, when Christmas Day falls on a Saturday or Sunday, the following Monday will be observed as the public holiday.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends the second schedule to the principal Act which contains a list of the various public holidays. Christmas Day is removed from Part I (fixed holidays) and inserted in Part II, which contains the holidays that are held on the following Monday in lieu of a Saturday or Sunday. The extra holiday, the third Monday in May, is inserted in the list of fixed holidays contained in Part I of the schedule.

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

STOCK EXCHANGE PLAZA (SPECIAL PROVISIONS) BILL

Second reading.

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

That this Bill be now read a second time.

Honourable members may be aware that the Corporation of the City of Adelaide is sponsoring the redevelopment of the area between Grenfell and Pirie Streets in the vicinity of the Adelaide Stock Exchange. It is proposed that the redeveloped area will be known as the Stock Exchange Plaza. Redevelopment of the nature and extent envisaged by the Stock Exchange Plaza scheme has the support of the Government. To assist in the realization of the scheme, this Bill, which is introduced at the request of the corporation, will modify the building laws of the State in their application to the buildings proposed to be erected in the plaza, in two fairly important respects.

The first modification is to permit building to a height of 300ft. instead of to the limit of 200ft. that obtains at present. The second modification will be to limit the floor area index of the plaza to eight. The effect of the increase in the height limitation is, I consider, clear, but it may be helpful if I enlarge somewhat on the limitation of the floor area index. In simple

terms, the floor area index represents the relationship between the total floor area of buildings on the plaza and the area of the plaza. Thus a building of, say, 20 stories, covering the whole of the plaza would have a total floor area of about 20 times the area of the plaza; that is, the plaza would have in respect of such a building a floor area index of 20. Similarly, if the building covered only half the plaza, the index would be 10.

This concept of floor area index is, of course, of great importance to both town planners and developers, since there is an obvious relationship between the total floor area of a building and the number of people who can be accommodated therein. If the floor area index is too high the planner will object, because it will result in an unduly high concentration of activity in the area and strain ancillary facilities like roads, transport and parking. A high index may also reduce the amount of open space in relation to the building. On the other hand, if the index is too low, the developer will object, since it could result in uneconomic development of the area.

Considerable research is necessary before appropriate indices can be established for sites in the city and elsewhere. In this case, however, the corporation is satisfied that an index of eight is appropriate, and such an index applied to, say, two buildings in the plaza built to the proposed limit of 300ft. would mean that almost three-quarters of the 84,000 sq. ft. of plaza area would be available as a public concourse and open space.

To consider the clauses of the Bill: clause 1 is formal, and clause 2 provides that the Act will come into operation on a day to be fixed by proclamation. Such a proclamation will not issue until the corporation has acquired control over the whole of the redevelopment area, lest there be any suggestion that the rights of the owners of property within the area are prejudiced in their negotiations with the corporation, by reason of the fact that this Bill imposes limitations on the redevelopment of the area.

Clause 3 provides certain necessary definitions, of which the definition of "floor area index" is the most significant. Clause 4 makes the appropriate modifications to the building law otherwise applicable, and at the same time makes it clear that, aside from these modifications, the general building law will apply. The schedule provides a plan of the plaza and shows its relationship to the surrounding area.

Clause 5 provides that in a somewhat limited sense the Building Act may be amended in its application to any building exceeding the limit height of 200ft. erected on the plaza. The reason for this proposal is that at the moment there is no construction code extant in this State governing buildings of this height, since without this Act it would, of course, not be possible to build such a building. Should the proposed new building Act be enacted into law such a code will be provided. However, the promoters of this measure, the Adelaide City Council, are anxious that the development of the site should not be delayed pending the coming into operation of the new Act. At the same time the council is, of course, mindful of the fact that the proposed new building must be constructed in accordance with proper building standards, and the proposed amendments should enable the present Building Act to be modified to set out these standards.

Clause 6 merely provides that, except as specifically provided in this Act, the general building law will apply to buildings erected or proposed to be erected on the plaza. This Bill has been considered and approved by a Select Committee in another place.

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

SOUTH-WESTERN SUBURBS DRAINAGE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The legislative grandparent of the south-western suburbs drainage scheme was the Metropolitan Drainage Works (Investigation) Act, 1957. In pursuance of the powers conferred by that Act, the Parliamentary Standing Committee on Public Works produced a report that formed the basis of the principal Act (the South-Western Suburbs Drainage Act, 1959), which gave birth to the scheme. The works authorized by the scheme were set out in section 6 (1) of the principal Act and were further delineated on the plan attached to the report of the standing committee. In 1966, it was desired to proceed forthwith with the construction of Drain No. 10 referred to in the report. This drain was not authorized under the principal Act, although a delineation of the drain appeared on a plan attached to the report. Accordingly, a special Act (the South-Western Suburbs (Supplementary) Drainage Act, 1966) was introduced. Amongst other

things, that Act provided that half the cost of Drain No. 10 would be borne by the municipal councils of Marion and Brighton in the proportions of 43 per cent and 57 per cent respectively.

The method of financing the scheme as provided by the principal Act was that in the first instance the Government would bear the cost of the scheme and the councils that were enumerated would refund to the Government half the cost, repayments to be spread over 53 years. Each of the enumerated councils is required to make payments based on a table of percentages set out in section 6 of the principal Act. It was intended that the scheme proposed by the standing committee would be completed in two stages—Stage I being the works recommended and set out in the principal Act, and Stage II to be the subject of later legislation. In the nature of things, Stage I works underwent some modification and, as I have mentioned, at least one intended Stage II project (Drain No. 10) was brought forward in the terms of the special Act.

With the substantial completion of Stage I, on November 28, 1968, the question, amongst other things, of proceeding to Stage II was referred to the Public Works Committee. This report was completed on June 11, 1970, and the object of this Bill is to give effect to the recommendations of the committee.

In summary, the standing committee recommended: (*a*) that the revised Stage I of the scheme be agreed with; (*b*) that Stage II of the scheme be proceeded with; (*c*) that the cost of the Patawalonga works be borne wholly by the Government without a contribution by the councils; (*d*) that a previously approved remission of $1,000,000 off the total cost of the works be enacted into law; (*e*) that the percentage contributions by the councils should be varied somewhat; and (*f*) that the special Act be repealed and the works done on Drain No. 10 be considered as part of the main scheme. The method by which this Bill gives effect to the recommendations of the committee will, I think, become clear when the clauses of the Bill are considered in some detail. For convenience. I shall refer to the report of the Public Works Committee as "the report".

Clauses 1 and 2 are formal. Clause 3 repeals the South-Western Suburbs (Supplementary) Drainage Act, 1966, and assimilates the construction costs of Drain No. 10 into the overall costs of the scheme. This follows the report (clause 7 (9).) Clause 4 provides a new definition of "the plan" and will enable a new plan to be used showing the present and future development of the scheme. A copy of this plan is available for perusal by honourable members. The definition of "the report" has been struck out since, because of the substantial revisions that have been made and agreed to by the committee, that report no longer forms a useful frame of reference. Two additional definitions are provided: that of "the Patawalonga works" and that of "the prescribed amount". Clauses 5 and 6 merely make formal amendments consequent on the passage of the Land Acquisition Act, which replaced the Compulsory Acquisition of Land Act.

Clause 7 amends section 6 of the principal Act and provides for all the works comprised in both Stage I and Stage II of the scheme to be delineated on the one plan. It may be helpful if I indicate the state of development of the works delineated on the plan. In fact, all the works delineated on the plan, with the exception of Drains Nos. 2, 6, 8, 18 and 20, the Patawalonga works and the Sturt River works (these being the works which form the substance of Stage II of the scheme) have been completed or substantially completed. In addition, the undertaking of the Patawalonga works is authorized by this clause. An indication of the scope of the Patawalonga works is set out in the schedule inserted by clause 13.

Clause 8 amends section 7 of the principal Act by relating the total liability of the councils involved to an amount referred to as the prescribed amount. This amendment is appropriate since the total cost of the works, on which the council's liability was originally founded, is now subject to an abatement of $1,000,000, together with an amount equal to the cost of the Patawalonga works. In addition, the revised contribution rates for the enumerated councils have been inserted to conform to the recommendations in clause 6 of the report. Clause 9 effects appropriate amendments to section 8 of the principal Act, which provides for interim repayment arrangements until the final cost is known. The assumed cost of the work for the purposes of calculating interim repayments has been altered to relate to the prescribed amount and the figure used has been derived from the estimate set out in clause 7 under the heading "General" in the report. Appropriate powers have been given to the Treasurer to recalculate payments in accordance with the changes referred to above, together with a power to defer payment of portion of the increased amounts payable on the first day of May next following the commencement of this Act. This provision

should give councils a little time to adjust their revenue arrangements to cope with their additional responsibilities.

Clause 10 sets out the method of deducting the rebates from the total amount spent on the construction of the works recommended in the report at clause 9. The calculation is in accordance with the formula set out in proposed subsection (2). Clause 11 inserts a new section 13a imposing a liability on the municipal council of Glenelg in relation to the Patawalonga works in accordance with the report at clause 7 (8). Clause 12 is merely consequential upon the amendments adverted to above. Clause 13 is a drafting amendment. Clause 14 enacts a schedule to the principal Act that sets out in some detail the Patawalonga works.

This Bill has been considered and approved by a Select Committee in another place. I commend it to honourable members.

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

INDUSTRIAL CODE AMENDMENT BILL (SHOPPING HOURS)

(Continued from November 25. Page 3043.)

The House of Assembly intimated that it had agreed to the recommendations of the conference.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

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

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3033.)

The Hon. C. R. STORY (Midland): I oppose the Bill in its present form. During the last week or two we have heard some excellent speeches on this measure. The honourable members who have spoken merit the highest praise for the research they have done, because I think that until the Bill came to this Chamber very little was known about its provisions except by those who were responsible for its preparation. It must have taken a tremendous amount of time for the Leader, the Hon. Mr. Hill and other honourable members to search out the true facts of this measure. However, what they have discovered is rather illuminating to other honourable members, and I hope that it will be equally illuminating to people who will have to labour under this legislation if it ever reaches the Statute Book. I think most honourable members have at various times expressed their sentiments on estate and succession duties. I think no honourable member is any more enamoured of this legislation now than he was when he first spoke in the Council on this subject.

The Bill purports, according to the second reading explanation and to statements made outside this Chamber, to provide relief to the smaller estates and to the primary producer, but nothing could be further from the truth. I sincerely hope that the news media will give the public the benefit of the research done into the Bill, because it is a complete take. Amendments have been foreshadowed by other honourable members. I do not intend to go deeply into the subject, except to say that I totally oppose the way by which this measure has been brought into Parliament.

I was present at the recent farmers' march and I heard the Premier make statements about the relief the Bill would give to primary producers. However, this Bill gives no relief to them whatever, except to perhaps about 5 per cent of the State's primary producers, who must fall into a specific category in order to obtain any relief.

The Hon. R. C. DeGaris: Any effective relief.

The Hon. C. R. STORY: Yes. On the other hand, the Commonwealth Government has done something to assist primary producers, although insufficient publicity has been given to what it has done. It has defined a rural property as follows:

"rural property", in relation to a deceased person, means property, or an interest in property, in Australia being property consisting of:

(*a*) land that, at the time of the death of the person, was used wholly and exclusively for the purpose of carrying on a business of primary production;

(*b*) animals or farm produce:

(i) used, or held for use, at the time of the death of the person in a business of primary production; or

(ii) raised or produced in the course of carrying on of a business of primary production by the deceased person or by a partnership in which he was a partner;

(*c*) a right to income other than income that is included in the gross income of the person in relation to the relevant period, being a right arising from the

delivery to a marketing authority established by a law of the Commonwealth, a State or a Territory of the Commonwealth of farm produce produced in the course of the carrying on of a business of primary production by the deceased person or by a partnership in which he was a partner; or

(*d*) plant, machinery, goods or articles that, at the time of the death of the person, were used, or held for use, in a business of primary production,

but not including property consisting of:

(*e*) motor vehicles designed primarily and principally for the transport of persons;

(*f*) household furniture, furnishings or appliances; or

(*g*) wireless receivers or transmitters or television receivers or antennae.

That makes a terrific difference to the situation regarding Commonwealth duty. Surely something could be devised whereby the Bill could contain some of these provisions. I will give one simple illustration of the effect that an amendment along these lines would have on the duty payable in South Australia. In this example the father dies and the son inherits, first, primary-producing land and buildings valued at $80,000; plant, stock and machinery valued at $25,000; and life insurance (assigned) $10,000. This makes a total estate of $115,000 (surely not what one would call a lavish estate by today's standards in the primary sector), of which $25,000 is in plant, stock and machinery.

Under the present Act, the duty payable would be $14,110, whereas under the Bill's proposals it would be $19,875, an increase of about 40 per cent. To the $19,875 must be added $11,000 in Commonwealth duty, making a total of about $30,000, or an increase of about 28 per cent on the existing situation. However, if the formula I have just quoted from the Commonwealth Act were applied for State duty purposes, the duty would amount to only $17,840, thereby giving considerable benefit to people in that category.

The Hon. R. C. DeGaris: It's still a fairly high figure.

The Hon. C. R. STORY: Yes, but it would provide a real benefit. However, I shall not labour this point, because it has been well canvassed. Although I cannot support this legislation, I shall look closely at the foreshadowed amendments, whch, no doubt, will have some effect on the legislation. Why should people who have won a stake in the country as a result of their industry, who have built their own house and provided for their old age and who have not been a burden on the State be penalized in the way the Government has set out to do? I find it hard to understand. unless this is another dose of Socialism designed to run the whole show down so that we all get reduced to the one plane.

I have never liked this form of taxation. People pay plenty in other taxation throughout their life. When could a person, a widow particularly, be in a worse position to meet a crisis brought about by succession duties being landed on her than at the death of her partner? I oppose the Bill.

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

STAMP DUTIES ACT AMENDMENT BILL

In Committee.

(Continued from November 25. Page 3044.)

Clause 16—"Amendment of second schedule of principal Act."

The Hon. A. J. SHARD (Chief Secretary): When the Committee reported progress, it was for the purpose of getting an answer to a question asked by the Hon. Sir Arthur Rymill about why people who took out insurance policies on their own behalf had to pay tax while people who took out superannuation did not. I was fortunate enough this morning to get the following answer. No duty is levied upon superannuation funds, which are ordinarily non-profit mutual funds. Insurance companies are profit-making commercial organizations, and the levy is made upon the company as a condition of a licence to operate, not upon the person taking out the insurance. It may be that the insurance companies, like any other commercial concerns paying duty and licence fees, will pass on some or all of the fees to their customers but, if this were an argument against levying this particular duty, it would be practically impossible to tax or require licence fees from commercial concerns. In any case, with life insurance premiums it will be quite impossible to distinguish those policies which are genuinely taken out as superannuation from those which are ordinary life policies. The deleting of this particular provision would eliminate not only the extra revenue anticipated from this source of about $270,000 but also the $270,000 received at the present rate for licences of ½ per cent of net premiums. I hope that answer satisfies the honourable member and I ask the Committee to support the clause as it stands.

The Hon Sir ARTHUR RYMILL: I thank the Chief Secretary for his answer, but I am afraid it does not satisfy me because I cannot

see the logic of the matter. However, I do not feel I am in a position to take this matter further.

Clause passed.

Title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING)

In Committee.

(Continued from November 25. Page 3052.)

Clause 7—"Unit of totalizator ticket to be fifty cents."

The Hon. Sir NORMAN JUDE: I move:

In new subsection (1a) after "Saturday" to insert ": But where the meeting is to be held on the Victoria Park Racecourse and the totalizator is to be used in the 'Derby' as well as the 'Grandstand', the Commissioner of Police must be satisfied that the fee for admission to the 'Derby' will not be greater than the fee ordinarily charged for admission to the 'Flat' for a race meeting held on the Morphettville Racecourse on a Saturday".

I did enlarge on this in my second reading speech so I do not think it is necessary to take the matter further. I merely say that this amendment corrects an unfortunate anomaly that has existed, for many reasons, for many years. The purpose behind the amendment is reasonable and fair, that all courses should be treated similarly. People must pay for the facilities they use, and I think they are prepared to do that.

The Hon. A. J. SHARD (Chief Secretary): I appreciate the honourable member's point of view. The Government's view is that Flats are Flats wherever they occur and, if the racing clubs are to have a choice of giving a service in a Grandstand and the Derby or giving a service in a Grandstand and the Flat, they should charge the same on Wednesdays as they do on Saturdays for the Flat or the Derby. I have no quarrel with that, but the position at Victoria Park is different because that is Crown land. The Government and its supporters take the view that, because the Flat at Victoria Park is free on Saturday, it should be kept open free at mid-week meetings. The totalizator legislation says that, if the totalizator is used in the Grandstand, the other two, the Derby and the Flat, must also be open. The idea of this amendment is to give the racing clubs a choice on a Wednesday of opening only two of them. The Government takes the view, rightly or wrongly, that, if the racing clubs at Victoria Park decide to open only two sections and they decide to open the Flat, they should get no return as on a Saturday. If they decide to open the Grandstand and the Derby, the Flat should still be open so that people who so desire can go there (there would not be very many of them) and have the facility free on Wednesday at a mid-week meeting as on a Saturday.

The Hon. Sir NORMAN JUDE: I think the Chief Secretary has put the case for the Government very clearly and fairly. The anomaly has existed for a long time. The Flat would not be closed: it would still be open and probably a thousand people would be there on Saturdays. I do not know that there would be as many on a Wednesday, but they would still have the right to go on the Flat without charge. The only thing missing would be betting facilities, which would be available in the Derby, where the admission charge would be 25c.

Although this is Crown land I presume the Adelaide City Council will still charge for parking cars. The west park lands are Crown land and people are charged to go there on certain occasions in mid-week.

Amendment carried; clause as amended passed.

Clauses 8 to 31 passed.

Clause 32—"Ministerial control."

The Hon. Sir NORMAN JUDE: I express my appreciation of this clause. It is highly desirable that the Chief Secretary should be in charge of betting legislation, especially as he is a man closely associated with racing and understands what goes on in that industry. The racing community will have considerable satisfaction in the knowledge that the funds are directly under his control. I support this clause.

Clause passed.

Remaining clauses (33 to 61) and title passed.

Bill read a third time and passed.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3017.)

The Hon. C. R. STORY (Midland): I rise to support this Bill without having any clear idea of which way this whole matter should go. The history of the Citrus Organization Committee and legislation associated with it has been chequered. The original legislation was introduced during the dying hours of

a previous Parliament and it was dealt with very quickly in another place. I do not think it received the consideration in this place at that time that it would have received had we had more time to deal with it. As a result, the legislation has never been out of trouble since it first came into operation.

In less than 12 months after its coming into operation substantial amendments had to be made, because the legislation was not drafted correctly and because insufficient opportunity had been given for people to consider it. The principal Act then operated without any validity at all until 1969, when I was Minister of Agriculture, and I had to introduce a Bill in this Council to validate all the actions that had been taken by the committee between 1965 and 1969. That does not say much for the administration of the legislation in the first place.

I do not know exactly what the Minister is doing in this matter. I asked the Minister from time to time whether he intended to table Mr. Dunsford's report and whether he had discussed the matter with industry leaders. The Minister was in some difficulty, because I realize that the Chairman of the Citrus Organization Committee (Mr. Eric Jeanes) and Mr. Dunsford went on oversea trips, but suddenly the report was tabled in this Council on Tuesday, and the Minister asked leave to introduce this Bill on the same day. We are now being asked to pass a Bill affecting a vast quantity of citrus and many citrus producers and, as far as I know, not one person in the producing areas has seen Mr. Dunsford's report. Furthermore, I do not think one such person has seen the Minister's second reading explanation, and I do not think a copy of the Bill has been supplied to any producers or any section of the industry up to the present.

The Hon. C. M. Hill: That is a shocking state of affairs.

The Hon. C. R. STORY: I have probably had as much experience as anyone in Parliament in connection with producing and marketing citrus. In 1965, after a series of meetings at which unanimous agreement was obtained, the Citrus Organization Committee was set up. Yet we are now confronted suddenly with a complete sweeping away of the existing set-up. This Bill could be regarded as producing a "spill", to use Labor Party parlance. On a certain day, under this Bill, the Minister is to proclaim that all committee members shall cease to be members, and he will then constitute another body. He will nominate all five members and they will be in office for two years without so much as a poll of growers to decide what they want. I have perused Mr. Dunsford's report, in which several alternative suggestions are made as to what may happen to the Citrus Organization Committee. Yet the Minister has suddenly introduced a Bill which, I imagine, was not even thought of by him last Friday. Either he must be extremely clairvoyant or he has much better advisers than I could ever obtain on this subject. The marketing of citrus is most complex. If ever we wanted some deep thinking on the subject it is now. Without consultation with the industry the Government is taking over the marketing of citrus in South Australia.

This is a producers' body; at present it comprises five properly elected producer representatives from five zones in the producing areas. It has two Government nominees and a chairman appointed by the Government. It is now proposed to sweep away by administrative act the five elected members and substitute two nominated grower members, two persons who are skilled in business practice and have knowledge of marketing of citrus, and one other person who will be the chairman.

The Bill also provides that the grower representatives are not to have any interest whatsoever in the marketing of citrus. That does not appear to apply, under the Bill, to the other nominated people. In other words, the two marketing representatives could be very skilled in marketing fruit and be very good businessmen, but it has been the cry in the past by a section of the industry that the merchants have had too much control over the marketing of citrus. The two Government nominees could be directly involved in the marketing of citrus. However, the growers themselves are not allowed to have any financial interest in the selling of citrus. That aspect may have escaped the Government's notice in its haste to introduce this measure. I do not think it is right.

The situation that I see in this is one of hostility. Slowly but surely, the growers have left the Citrus Organization Committee. In the 1969 season, nearly 90 per cent of the growers were still marketing through the pool system of the C.O.C. and its subsidiary company, South Australian Citrus Sales. However, I venture to say that if statistics were available today they would show that less than 60 per cent of the fruit being produced in South Australia was going through the C.O.C. This is a ludicrous situation. The Act contains threats of dire punishment to people who

transgress in this matter. It clearly states that all citrus produced in South Australia must be marketed through the C.O.C., and the fines for disobeying this provision are savage. Yet we have the situation today where only a little over half of the fruit is going through that organization.

This makes a mockery of the law. Those people who in the main are diverting their fruit through other channels are not paying the levy that is struck under the provisions of the Act, so the burden of financing this fairly costly organization is falling on those who have remained loyal and who have observed the law. No action has been taken and no action can be taken to deal with those who are transgressing by not paying their levies.

Section 92 of the Commonwealth Constitution makes it practically impossible for this organization to function at all. In fact, Mr. Dunsford's report stresses that co-operation can be obtained only on a voluntary basis. This co-operation is precisely what the industry had before the coming into operation of the C.O.C., when the Murray Citrus Growers Organization handled about 99 per cent of the export citrus from this State. Through its voluntary pool, it always had something over 80 per cent of the control of the citrus marketing within Australia.

I believe all this trouble started when there was a panic because it was suggested that fruit was being wasted. What was this fruit that was being wasted? It was a few loads of navel oranges that were over-run from the export pack; they were put out on the ground, and they managed to attract photographers and centre-spread Sunday paper articles, yet the fruit that was lost was less than 1 per cent of the total pack of South Australia. When one relates that 1 per cent to money, it is obvious that we have paid plenty for the privilege of doing precisely what we had been doing before but paying a levy at the rate of about 20c a case for the administration of this costly organization that has been set up.

I do not for one moment suggest that this organization has worked well, because it has been bugged almost from the time it started by personalities. It is no good saying that one personality has been nicer than another personality when they have all been in the one room, because there is little to chose between them; they are all friends of mine and, as individuals, they are jolly nice people. Also, I believe that many of them have a pretty good knowledge of marketing. The problems in the committee mainly arose through people taking hold of this Act which, as I have said, arms the committee with tremendous power, much of which power, as we now know, has no force at law.

However, power was used, and anyone who got in the way of the organization had to be got out of the way. So instead of controlling and licensing and bringing into the family the Greek truck operators who were at the time disposing of about 300,000 cases of fruit in South Australia, those people were prohibited from operating, and the whole of the distribution was bottlenecked through a closed ring organization in the Adelaide market—a merchant organization which has paid a fairly large fee and which has put up a fidelity bond. It is not an open organization. People who had previously handled citrus tried to join the organization in the market but were told by the C.O.C., on the one hand, that there was no guarantee that if they did join the organization they would get a licence, and told by the other people that they had to join before they could even look like getting a licence. Consequently, a number of small packers and a number of agents were completely excluded from the industry in the most cavalier manner.

That is all past history. What I want to be assured about is that we are not making for ourselves something that is even worse than what we have had in the past. We do not know the persons or even the type of persons who would be nominated by the Minister for these various jobs. In fact, to find the class of person who can fit into this category, from the chairman downwards, will be very difficult indeed. I cannot possibly give an intelligent vote on this legislation without knowing what the reaction of the industry in South Australia will be. How do I find out that reaction when the industry does not have a clue what is being talked about in Parliament today? In my opinion, it cannot have the information for a good many days yet, because the Minister has moved only today that the report be printed. This means that we will be into next week before it is available from the Government Printer.

The copies of the Bill are in short supply, and even if copies of the Minister's second reading explanation have been posted they will not appear in the newspapers circulating in the area until tomorrow morning at the very earliest. I am not in any circumstances prepared to vote on this legislation until I have some clear idea of what the growers' reaction

in that area will be. However, if I am any judge of the growers, their reaction will be hostile through thinking that their elected representatives and their right to elect representatives will be swept away and that the Government will take over the marketing of their commodity; I do not think they will like that.

At present, the whole organization is fragmented and, whereas the Citrus Organization Committee, with its subsidiary South Australian Citrus Sales Proprietary Limited, ought to be handling 100 per cent of the export fruit out of the State, it is probably handling only a little over one-half of it. There are no less than eight independent exporters now, whereas the Act provides that there shall be only one. This problem will be hard to resolve. I do not know whether the Minister is forced by some means to put up an alternative in a hurry, but my immediate reaction is that, instead of trying to validate this legislation, he should nominate the Auditor-General as a receiver to have a watching brief over the position and order a poll of growers as early as next January.

After the growers have studied the Dunsford report and the proposal put forward by the Minister, they should then express to the Minister whether they desire the Citrus Organization Committee or some other type of committee to continue on in their interests, because I think this savours of highhandedness. I do not know the number of people the Minister has consulted on this matter. However, it would be quite improper to pass this legislation without the holding of a poll of growers. I shall leave this matter at that point until such time as I have more information and until the people vitally interested in the industry have had time to adjust to what I might almost call the whole cartload that has been put before them. I ask leave to conclude my remarks at a later stage.

Leave granted; debate adjourned.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2942.)

The Hon. G. J. GILFILLAN (Northern): Although I support the principles the Bill is trying to bring into effect, I question some sections of it and indicate my support for certain foreshadowed amendments. I agree that in this age of development and of so much concern about the pollution of our environment, responsible people must take future generations into the consideration of mining and its associated activities. The Bill brings a new category into the number of points an inspector must consider, namely, the effect of mining operations on the amenity of any area or place. It is a very wide reference, because the Bill states "in his opinion", meaning the inspector's opinion.

The inspector's judgment is very important and, in considering what is and what is not an amenity, there could be wide differences of opinion. In this debate, there has been considerable discussion about the effect of mining operations in the Adelaide Hills on the amenity of the city and of the metropolitan area, and a very good argument has been put forward on the necessity of having suitable quarry material available for the development of the metropolitan area.

In one sense, although the Adelaide Hills could be considered an amenity and the quarrying in them a destruction of that amenity, on the other hand the quarries' products provide the fine roads in the city and many of its houses at a cost that would otherwise be prohibitive to young couples and thereby deprive them of the amenities they now enjoy. Some future generations might criticize the actions taken today in building houses on much of the fertile soil south and north of the city of Adelaide. The important matter is the interpretation that will be placed on what is an amenity by each succeeding generation.

Two matters concern me, namely, the inspector's authority and, in turn, the very heavy responsibility the Minister will have regarding the inspector's duties and the penalties to be imposed. The principles are contained in the Bill, but in the much wider definition of "powers" contained in Part IVa the defence for an offence under this section will not be the same as for any other contravention of the Act, in that there is a special inclusion dealing with the amenities. An appeal in this case is directed to the Minister. Certainly, the Minister will have the benefit of the advice of a Mines and Works Advisory Committee, but he will not be bound by the committee's advice. In a multi-million dollar industry such as mining there is a very big opportunity for inspectors virtually to be able to make or break an industry. This, in turn, would tend to create a climate where some form of graft could exist in South Australia, where the State administration has a clean record in this regard; but we have seen it happen in other places where very big powers

are vested in individuals. I support the principle foreshadowed in a proposed amendment giving full rights of appeal for compensation to enterprises set up under existing law that will be affected by this legislation.

I also believe that, because of the different circumstances of mining, quarrying and mineral exploration in the State, some consideration must be given to industries like the opal industry, which operates differently from the quarrying or mining industry and in an area of South Australia remote from the main centres of population. On the other hand, mining exploration is taking place in some of our better-class country where there is a definite need for stricter oversight of the amenities of the area.

I also question the need for the proposed longe-range regulations. The powers given in the first part of this measure are so wide that regulations do not appear to be necessary. Therefore, I will follow with great interest the passage of this Bill through the Committee stage because, as it now stands, it puts a section of our mining industry in a position where bureaucracy could be a big handicap to it. With these reservations, I support the Bill.

The Hon. JESSIE COOPER (Central No. 2): I, too, support this Bill, not only as a member for Central No. 2 District but also as a resident of a foothills suburb under the shadow of a large quarry. The Bill is introduced, of course, with the object of giving the Minister the power to ensure that those who wish to quarry stone and sand shall do so in a way that does not destroy the natural and irreplaceable assets of the community to the detriment of 999 out of every 1,000 South Australians. I emphasize the fact that, although the Minister will have the power, the Bill provides for a Mines and Works Advisory Committee, which will advise the Minister and so reduce the likelihood of any hasty action of possible harm to industry.

The Bill provides, moreover, that, if a person feels that the orders he receives under the Act are unjust, he may appeal to the Minister and to the advisory council for reconsideration. I do not agree with the statement that, if quarry metals were not mined from the positions from which they are being mined at the moment, building construction (particularly of private houses) would be so much more expensive in South Australia than at present. I do not often disagree with the Hon Mr. Gilfillan, but he said this afternoon that the costs of building private houses would become prohibitive.

The truth of the matter is that in an average-size private dwelling built of concrete foundations, brick and the usual sections of timber and iron, the amount of quartzite (metal quarried from the front face of the Adelaide Hills) is 10 to 14 tons (that is, in a house of about 12 squares). Cartage on a ton of metal quarried from the Adelaide Hills to the city is about 18c a mile. Therefore, the cost would be roughly an extra $5 a ton if the quartzite was quarried 30 miles away, as it is for besser brick. In other words, the extra cost of a house would be about $70 to $80, which is virtually negligible in the overall cost of the house—in fact, about 1 per cent extra. So the argument that it is prohibitive has no substance. Set against that is the destruction of the beauty of the hills for all time.

What we are really deciding in this Bill is whether or not in the next 50 years we are going to permit the whole of the Adelaide side of the Mount Lofty Ranges (that is, all the forward slopes of the hills) to be converted into a series of rugged terraces, quarry scars, and heaps of overburden and rubble, as a hideous backdrop to the city of Adelaide. Every other city on the mainland of Australia has found it economically possible to bring its hard rock and metal from places beyond the sight of its citizens. Surely it should not be beyond our ability to do the same. I support the Bill.

The Hon. A. J. SHARD (Chief Secretary): It may save time in the long run if I reply now to some points raised by the Hon. Mr. DeGaris. First, I will deal with the separation of quarrying from mining by the provision of a separate Extractive Industries Act. This is a procedure adopted in Victoria by an Act introduced in 1966, which Act has been closely studied in relation to the present amending Bill. The Victorian legislation defines a "quarry" as a pit or excavation made in land to a depth of more than 6ft. for the purpose of extracting stone. It then defines "stone" as "sandstone, freestone, or other building stone, basalt, granite, limestone or rock of any kind, slate, gravel, clay, sand, earth, soil . . . ." It is felt that the attempt to separate a mine from a quarry on the basis of the substance recovered is a wrong principle from the point of view of controlling legislation. The significant principle is the nature of the excavation and its operational procedures.

Modern open-cut mining has precisely the same operational methods and problems as systematic quarrying. There has never been

any difficulty in controlling both under the Mines and Works Inspection Act, and the present amendments in no way alter the situation. It should perhaps be emphasized that the main purpose of the Victorian Act was not so much the operational control aspects of quarrying as control of the siting of quarries. The Act requires an application for a licence to quarry to be subject to the consent of the Minister of Lands, the Planning Authority, the Soil Conservation Authority, and a committee that includes local council representation. It is understood that the Act is proving difficult to operate in many respects, and many amendments are being proposed.

Secondly, I come to appeals against the order of an inspector. Regulations currently in preparation will require an operator to submit a development plan and working proposals showing long-range development proposals for the mine or quarry—including proposals for progressive restoration, reafforestation, etc. as appropriate. These proposals will be individually discussed with the operators by the Chief Inspector of Mines, and an agreed programme developed. In respect of matters coming within the scope of the term "amenity", the Chief Inspector will be guided by the Extractive Industries Committee—a committee comprising the Deputy Director of Planning, the State Mining Engineer, a member of the State Planning Authority, a member of the Local Government Association, the Deputy Director of Mines, and an engineer from the Highways Department. Thereafter, it will be the duty of the inspector to ensure that the agreed development programme is carried out, and orders given by the inspector in relation to an "amenity" will be in the context of the programme. In the event that such an order is unacceptable to the operator, his first redress would be to the Chief Inspector, thence to the Director of Mines. In the event that he remains dissatisfied, the matter would be referred to the Minister who, in turn, would seek the advice of the advisory committee. All these referees would be concerned that the order was proper in relation to the agreed development programme. In the event that agreement cannot be reached concerning the original development programme itself, the same sequence of referees is available.

The provision of an appeal tribunal rather than an advisory committee has been examined very closely. Based on experience with such tribunals under other Acts, it is strongly felt that such a provision is unsatisfactory to all parties. Departmentally, it is considered that no cases will arise which cannot be satisfactorily resolved by the procedures provided under the Bill. An order given by an inspector under the principal Act and under the proposed amending Bill must be carried out until countermanded on appeal to a senior officer or to the Minister.

The Hon. Mr. Whyte also asked some questions. He suggested a survey be made of quarry materials in the Mount Lofty Ranges and tunnelling through the ranges in preference to quarrying. The Mount Lofty Ranges have been completely mapped geologically and closely examined in respect of alternative quarry sites away from the face zone. There are some such alternative sites, many of which currently are being quarried. There are only a few rock formations in the ranges which can provide good quarry material. A tunnel which could produce the volume of rock necessary to replace the production from Stonyfell quarry alone would need to be extended six miles a year, assuming all the rock produced was usable. The cost per ton would be astronomical.

There is some misunderstanding on the matter of the period of grace on the opal fields before implementing the requirement to backfill bulldozer cuts. The present Bill makes no specific demand on bulldozer operators on the opal fields. The Bill simply adds to the present powers of an inspector in relation to safety and nuisance an additional power in respect of an amenity. The Bill has no specific application to the opal fields, though doubtless there may be cases there which require attention. The control over bulldozer operations on the opal fields is to be included in proposed amendments to the Mining Act which have not yet been finally drafted. The proposals have already been made known to the opal miners and comments have been received from them.

As to the establishment of the advisory committee, this committee would not be appointed on a full-time basis, but would be appointed and then called together only as matters arose requiring its attention. It is expected that adequately qualified members can be found from the ranks of experienced but retired members of the industry, from consulting professions, or from academic ranks. Remuneration on this basis should present no difficulties.

The Hon. Mr. Hill raised the question of the order of an inspector being effective pending

an appeal. The principal Act empowers an inspector to order the cessation of any practice which, in his opinion, is unsafe or creates a nuisance, etc. The amending Bill extends this power to other considerations which, however, are subject to appeal as provided. Nevertheless, pending the appeal which may take some time to reach a conclusion, the order of the inspector must stand. Any other arrangement could, in some cases, completely defeat the object of the amendments.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Chief Secretary for his reply on the second reading. As the information he gave had some relation to amendments on the file I ask that progress be reported.

The Hon. A. J. SHARD (Chief Secretary): I am quite agreeable to progress being reported.

Progress reported; Committee to sit again.

FESTIVAL HALL (CITY OF ADELAIDE) ACT AMENDMENT BILL

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

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

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2923.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): The Hon. Mr. DeGaris made a very comprehensive and important speech on this subject earlier this week. He ransacked *Hansard* of 1967, when an almost identical Bill was before this Council, and he therefore had the advantage of some very learned expositions. Consequently, he has not left anyone else with very much to say. He covered the whole field in a most admirable way, and I must say that I wholeheartedly agree with every single word he said. The one thing that the speech of the Hon. Mr. DeGaris did lack was detail on the question of the Cascade case, under the referred intrastate powers in Tasmania.

I have some further information about that case which perhaps I can give the Council but, before doing so, I should like briefly to refer once again to the legal position relative to referred powers and to the question of any legal limitation on the duration of those powers. The Hon. Mr. DeGaris referred to the case *Airlines of New South Wales Proprietary Limited v. New South Wales,* which case was referred to in *Hansard.* The case is dealt with in the 1964 *Australian Law Reports.* The most applicable judgment in that case is that of Mr. Justice Windeyer, to which the Hon. Mr. DeGaris referred. Mr. Justice Windeyer 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 statement was made in the context of claims that had been made from time to time that, once a State referred a power (whether or not it limited it in any way) and once that power was acted on by the Commonwealth, it became a total power of the Commonwealth. Mr. Justice Windeyer went on to say:

> 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. But I entertain a serious doubt whether a reference could be for an indefinite period terminable by the State Legislature. I am unable to accept some of the propositions on this point that were submitted on behalf of the State of New South Wales. If a matter be referred by a State Parliament, that matter becomes, either permanently or *pro tempore,* one with respect to which the Commonwealth Parliament may under the Constitution make laws. If the Commonwealth Parliament then avails itself of the power, it does so by virtue of the Constitution, not by delegation from, or on behalf of, the State Parliament. It is not exercising a legislative power of the State conferred by a State Parliament and revocable by that Parliament. It is exercising the legislative power of the Commonwealth Parliament conferred by section 51 of the Constitution.

In other words, once it is referred—and referred without limitation—it becomes a Commonwealth power, even if the State Legislature attempts to say that it can repeal the Bill and thus pull the power back. That applies, according to this judgment, once the Commonwealth has exercised the power in any way. There is a slight difference in the way this Bill is drawn from the way the 1967 Bill was drawn. The loophole referred to by Mr. Justice Windeyer, in my opinion, exists at present in this Bill as drafted. Clause 2 (2) provides:

> The matters mentioned in subsection (1) of this section are limited to the extent that they are referred to the Parliament of the Commonwealth for a period commencing on the day on which this Act commences and ending on the

day on which this Act is repealed or the day fixed, pursuant to section 4 of this Act, as the day on which the reference made by this section shall terminate, but no longer.

Clause 4 provides:

(1) The Governor may—

note the word "may"—

at any time, by proclamation, fix a day as the day on which the reference made by section 2 of this Act shall terminate.

(2) Upon the day so fixed this Act shall, by force of this section, be repealed.

There is no need, under the draftsmanship of this Bill at present, for the Governor to make that proclamation and, if he does not make that proclamation before the Commonwealth Government acts on this referred power, the Commonwealth will have acted on a power that may be terminated only by repeal of the legislation itself—which Mr. Justice Windeyer says is not valid or legally possible. So, the loophole exists, whereby we purport to be referring the power for only a period, but, in my opinion, in the circumstances I have outlined we are referring the power forever. The Hon. Mr. DeGaris has foreshadowed an amendment, and I sincerely hope that, in the interests of the State, all honourable members will support that amendment. It provides that the Act shall not be proclaimed until similar legislation has been passed by all other States and the Governor is satisfied that that legislation will be in force on the day fixed for the coming into operation of the legislation. A further amendment provides:

The reference made by this Act shall terminate on the thirty-first day of December, 1972, or on a prior date on which this Act is repealed.

I understand that the Hon. Mr. DeGaris chose December 31, 1972, as the date because that is the date on which the reference by Tasmania (which is the only reference in force at present) purports to come to an end. If all other States pass similar legislation it is, of course, possible for this Parliament to extend the power for any period it likes and on any conditions it chooses. The date has been chosen purely for the purpose of uniformity. When similar (but not the same) amendments were inserted by this Council in 1967, the then Government dropped the Bill altogether. I thought it was unwise in doing that because, as I interjected when the Hon. Mr. Kneebone was speaking the other night, "A good principle in Parliament is to take the best you can get." I would have thought it was better for the Government to take the Bill than nothing, which it decided to take. However, that is by the way and, if the Hon. Mr. DeGaris's amendment is carried, we will see what happens this time.

Since then we have had a striking example of what can happen under a reference by one State when the other States do not have similar legislation. This example was given to us by the case against the Cascade Brewery reported to the Trade Practices Tribunal by a hotelkeeper but no doubt financed by a very large Victorian brewery. The third annual report of the Commissioner of Trade Practices for the year ended June 30, 1970, under the heading "Tribunal case" on page 2 says:

On January 28, 1969, I instituted proceedings in the Trade Practices Tribunal against Tasmanian Breweries Proprietary Limited—

That company is the maker of Cascade beer—

alleging that the company was engaging in monopolization contrary to the public interest. The company was refusing to supply (bulk) draught beer to licensees if they sold competing draught beer; neither the licensees nor their licensed premises were tied by any contract to sell only the company's beer.

In other words, the decision did not relate to the exclusion of a competitor's beer in a tied house; what it related to was a threat by a brewery not to supply its beer to a free house if that house drew other people's draught beer.

The Hon. Mr. DeGaris, when he was speaking on this matter, said that he did not deny that that decision might have been a perfectly just one. I do not deny that, either. I do not want to go into the pros and cons of the decision at all. What I want to do is to examine the principles concerned and see exactly where we get to if we refer a power when, for instance, the State of Victoria does not refer the same power, which is precisely what we are being asked to do at the moment.

I have here a copy of the undertaking given by Cascade Brewery (as it is more commonly known to us) to the Trade Practices Tribunal. I shall not read it all; if any honourable member wants me to table it, I shall do so. It begins as follows:

The undertaking which has been given does, however, expressly reserve to the company the right claimed to determine the conditions under which it leases hotels. This also applies to certain conditions in respect of financial assistance extended to other licensees.

In other words, the undertaking did not refer to tied houses. The substantial words are as follows:

The company is satisfied that the practice complained of was not contrary to the public interest and does not therefore infringe the

Trade Practices Act. During the course of the preliminary conferences it became apparent that substantial damage may be caused to the company and its shareholders because the proceedings would probably involve the publication of a great deal of private information. The information which the company sought to have protected included information relating to costs of production detailed as to materials, labour, and overheads and to its volume and capacity of production of each of its products, a detailed analysis of the method and of the operation of each of its two breweries and a breakdown of the precise costs of production of various volumes from those breweries. It also involved disclosure of market information and variations in methods of production to meet changes in the market position. Not only was information of this nature sought from the records of the company which was the only respondent in the action but detailed management accounts and information relating to the affairs of the parent company and other companies of the Cascade group was also sought. Regardless of whether the company had won or lost the proceedings, publication of this information would, in the company's view, have been of great assistance to competitors and could have placed the company at a great commercial disadvantage.

It goes on to say that it was for those reasons that the Cascade Brewery was prepared to give the undertaking which it did give. I emphasize that that is purely an example of what can happen. This Act does not just relate to breweries; it relates to every business or occupation or calling in this State.

What has happened in the Cascade case is that a mighty Victorian brewery can sell its products in any free house in Tasmania but, because Victoria has not referred the powers, the small Tasmanian brewery has no legal right, at any rate, to do the same thing in return in Victoria. That is one of the reasons why I oppose this Bill's coming into operation until all other States have passed similar legislation, because it simply means that by doing so we are putting South Australian companies at a great disadvantage in relation to the companies of the bigger and more populated States.

We are fighting enough difficulties in these circumstances already without voluntarily putting ourselves into a further more difficult position. We see in the newspapers nearly every day statements that the Government is trying to encourage business to come to South Australia and what it is doing in that regard. This is a very laudable thing, and I hope that the Government's efforts are successful; but if it passes this legislation in the form in which it has presented it to us, I think its fight is going to be an even more uphill one; in fact, I know it is going to be more uphill, and it is difficult enough now because of our distance from great centres of population—in other words, from the markets.

Let no honourable member assume that the Trade Practices Act relates only to unfair or immoral practices, because I think the tendency is for some people to say, "But why worry about that; a company that is going to trade fairly won't care whether this Act is in existence or not." Nothing is further from the truth than that, because this Act regulates all sorts of practices, including practices that are accepted by business itself as being perfectly just and lawful and moral and decent. It relates to everything, and if we have this legislation in this State we are going to hamper South Australian companies with the application of decisions by the tribunal when this State has no opportunity to retaliate in the other States that have not referred the powers.

I do not think we object to the Trade Practices Act as such, and I think we have illustrated that by passing a Bill subject to this reservation in 1967. We are not frightened or worried about the Bill itself. What I am worried about is that it could be applied by the tribunal in South Australia, thus regulating South Australian companies, whereas their competitors in Victoria, New South Wales, Queensland and Western Australia could be unrestricted. We could be told, just as the Cascade Brewery was told, that in any particular line of business in South Australia the Victorians or the New South Welshmen could go over the border and compete in our market places and we could not do anything to stop them. However, when the boot was on the other foot and we were trying to go into their States they could say, "Nothing doing. You cannot sell in our markets. We have those to ourselves." That is the root basis of the amendments which, I suggest, every honourable member, in the interests of business, should accept without reservation.

Bill read a second time.

In Committee.

Clause 1—"Short title and commencement."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

In subclause (2) before "This" to insert "Subject to section 4 of this Act,".

This amendment would achieve the same purpose as the amendments moved in 1967, namely, that the Act shall not come into

operation in South Australia until such time as the Act is enforced in other States. The legislation is expressed in a somewhat different way, in that it can come into force only if the Governor is satisfied that it will be in force on the day of coming into operation of the Act. The amendment is designed to overcome the possible stalemate that could arise if all States passed similar legislation. The second provision is that there is a definite termination date of December 31, 1972, which would make the power of revocation as certain as we can make it as far as this State is concerned. I agree with the Hon. Sir Arthur Rymill that there is a strong possibility that, if the Bill were passed in its present form, we would be referring powers to Canberra in this regard forever. There is no power in the Bill as it stands to regain that referral. The amendment would give us a strong case, if not a certain case, of being able to revoke the legislation. December 31, 1972, has been chosen simply because it is the terminating date in the Tasmanian legislation.

The Hon. A. J. SHARD (Chief Secretary): I oppose the amendment. I shall consider the first amendment to be a test amendment. My information is that this Bill was drafted as a result of agreement between the States and the Commonwealth and that it has been accepted by both Parties.

The Committee divided on the amendment:

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

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 2—"Reference of matters to the Parliament of the Commonwealth."

The Hon. R. C. DeGARIS moved:

To strike out "this Act is repealed or the day fixed," and insert "the reference made by this Act is terminated".

Amendment carried.

The Hon. R. C. DeGARIS moved:

In subclause (2) to strike out "4" and insert "5"; and to strike out ", as the day on which the reference made by this section shall terminate, but no longer".

Amendments carried; clause as amended passed.

Clause 3 passed.

Clause 4—"Operation of this Act."

The Hon. R. C. DeGARIS moved:

To strike out clause 4 and insert the following new clause:

4. No proclamation shall be made fixing a day for the coming into operation of this Act until legislation to the effect of sections 2 and 3 of this Act has been passed by the Parliaments of each of the other States of the Commonwealth and the Governor is satisfied that that legislation will be in force on the day fixed for the coming into operation of this Act.

Amendment carried.

The Hon. R. C. DeGARIS moved to insert the following new clause:

5. (1) At any time during the continuance of the reference made by this Act, the Governor may, by proclamation issued with the approval of both Houses of Parliament expressed by resolution—

(*a*) declare that the reference made by this Act shall continue until a date specified in the proclamation, in which case the reference shall continue until that date, and shall, subject to any later proclamation under this subsection, terminate on that date;
or

(*b*) declare that the reference made by this Act shall continue without limitation of time, in which case the reference shall not terminate unless and until this Act is repealed.

(2) If no proclamation under this section is made before the thirty-first day of December, 1972, the reference made by this Act shall terminate on that date.

New clause inserted.

Title passed.

Bill reported with amendments. Committee's report adopted.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

In Committee.

(Continued from November 25. Page 3049.)

Clause 17—"Short falls."

The Hon. A. M. WHYTE moved:

In new subsection (4) after "shall" to insert "subject to subsection (6) of this section."

Amendment carried.

The Hon. A. M. WHYTE: I move to insert the following new subsection:

(6) Unless, in relation to a quota season, the sum of the amount of wheat delivered as quota wheat of that season and the amount of wheat treated pursuant to section 48 of this Act as quota wheat of that season is less than

the amount of the State quota for that season, the Advisory Committee shall, in respect of the quota season that next follows that quota season, be deemed to have determined the percentage, for the purposes of this section, as one hundred per cent.

I thank the Minister of Agriculture for his co-operation, in conjunction with the Parliamentary Draftsman, in at last obtaining a suitably worded amendment. The original purpose of the amendment has not altered: it was purely a matter of wording. The purpose is that the advisory committee shall meet a short fall to the extent of 100 per cent unless the State short fall becomes such a deficiency that a percentage must also be applied to individual short falls. Under normal procedure, an individual short fall would be met 100 per cent but, because the amount of Commonwealth moneys would be averaged out by the amount of over-quota wheat, for some farmers the short fall would not be met. For instance, if there was a severe drought for two years, the short fall would be greater and the State could not meet it and, therefore, having built to such a proportion above the base quota, some percentage reduction would be necessary.

Having conferred with leaders in the industry, with the Minister of Agriculture and with the Parliamentary Draftsman, I believe that the wording of new subsection (6) will serve its purpose. I am prepared to answer any questions.

The Hon. T. M. CASEY (Minister of Agriculture): I am happy to accept the amendment. It was not an easy thing for the honourable member to draft. Under the Bill as it now stands I believe it was the intention of the advisory committee to carry out such a suggestion as he has made. Nevertheless, the advisory committee, upon being consulted on this matter, was unanimous that this would spell out its intention as the honourable member wishes. I am happy to co-operate; I have no objection, and I compliment the honourable member on his amendment, which is in the best interests of the wheatgrowers.

Amendment carried; clause as amended passed.

Remaining clauses (18 to 20) and title passed.

Bill read a third time and passed.

APPRENTICES ACT AMENDMENT BILL

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

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LAND TAX ACT AMENDMENT BILL

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

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 and 2, but had disagreed to amendment No. 3.

NURSES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3014.)

The Hon. V. G. SPRINGETT (Southern): There is one group of people respected and regarded very highly—nurses. My experience in all parts of the world has been that a nurse in uniform is a person respected by people in all walks of society. Some years ago, just after I had qualified, I remember working in the east end of London where policemen went in pairs and where lesser mortals went in greater numbers, but nurses could walk along narrow streets in complete safety at any hour of the day or night.

This was not always so. One has only to think of books written by Charles Dickens and other great novelists to appreciate that there were some rather grim characters—the Sarah Gamps, for example. However, people like Florence Nightingale and Edith Cavell brought nursing to the professional status it enjoys today.

Unfortunately, there is a very high marriage mortality rate among nurses. This is always a problem. We spend years training them and lose them overnight. But certain changes have occurred in one way and another—more lectures, better training, more practical experience, and better opportunities. Not so many years ago important hospitals gave their own qualifications, which were highly prized and greatly sought after. However, with the end of the Second World War there came many changes, almost a revolution, in the system of nursing training and nursing practice, and in the way nurses were regarded by their employers—usually hospitals and public authorities.

There are two strata of nurses—the general nurse and the nurse aide. This measure deals with both. The nurse aide has been a person in the past who could not quite cope with the theory of the ordinary State registered

nurse, but these people have made a most magnificent contribution to the nursing profession and in attending to patients who have needed their care, because they were, almost to a woman, of kindly disposition and had the practical and natural instincts of the good nurse.

The Hon. G. J. Gilfillan: Some of them are men.

The Hon. V. G. SPRINGETT: There are male nurses, too. I often wonder which would be preferred when one was sick. A new curriculum of instruction in training for general nurses and nurse aides has been approved by Cabinet. It is based on set times for theory, set times for practical work, and time for study and for revision of work for examinations. This is a grand thing. The block system, or a modification of it, is recognized throughout the world as being a good system for training nurses.

Under this Bill nurse aides as they have been called, are to have a new name. They are to be called enrolled nurses. This is a good thing, too. After all, one is a nurse and one is a nurse aide. Before very long we would get to the position where we had both trained nurses and half-trained nurses, and that would be quite wrong. Many girls make excellent nurse aides, or enrolled nurses, and their contribution is every bit as important as that of the girls who have had full general training. The work of nurse aides is different but it is nevertheless useful and necessary.

Last year a nursing adviser was appointed whose value to the Nurses Board must have been tremendous. This Bill will enable her to be appointed a full member of the board. Clause 5 enacts a new section that enables the Governor to fix appropriate fees for any member of the Nurses Board. Clause 6 amends section 17 of the principal Act and empowers the board to prevent a person from practising as a nurse where that person is a possible carrier of disease. It is not generally recognized that, if an attendant in close contact with a sick person is a carrier of a disease, it is very easy for that disease to be transmitted to the patient. The classic case is that of "Typhoid Mary" in America, who was a carrier of typhoid. In the end the authorities had to build a special house for her in an isolated part of the town where she could live in security and without transmitting typhoid to the community. Wherever she travelled she left a trail of typhoid behind.

Clauses 7 and 8 are consequential upon the change of title from "nurse aide" to "enrolled nurse". Clause 9 is admirable. It provides for the enrolment of new nurses upon the board's being satisfied that an applicant for enrolment has attained a proper standard in theoretical and practical courses. In other words, provision is being made for people who are, in effect, already nurse aides. Such people will be enrolled when the amending Act comes into operation. If they have been doing work as nurse aides they will carry on with that work and get full recognition for it.

Of course, if a nurse permits her enrolment to lapse over a period of more than five years, she may be required by the board to undertake a refresher course prior to enrolment. That is a reasonable provision. Nursing, like medicine, changes rapidly nowadays and, if someone has been away from it completely for five years, a refresher course is necessary. Clause 10 permits the enrolment of a nurse who has undertaken her training outside this State if, in the State or country in which her training was taken, reciprocal arrangements exist and the applicant is of satisfactory standard. The idea of having enrolled nurses is not restricted to South Australia or Australia: it exists in other parts of the world. This provision will make possible what many people clamour for when they go overseas—recognition and reciprocity. When people come here from overseas they may have certain qualifications that are not recognized here. Consequently, reciprocity is very desirable for those who leave South Australia to go overseas and for those who come to South Australia.

Clause 11 refers to the age at which a person can be enrolled as a nurse. Honourable members are aware of a Bill introduced yesterday dealing with the age of majority. If that Bill is passed the whole standard of life will be affected, because 18-year-olds will be regarded as adults. The principal Act provides that a girl cannot be enrolled as a nurse until she is 18 years of age. In view of the improved qualifications of people nowadays and in view of the increasing number of girls who gain their Matriculation certificates and Leaving certificates earlier, it is now considered desirable that the age limit be reduced to 17 years. In his second reading explanation the Chief Secretary said:

This section provides that no person shall be enrolled as a nurse unless she has attained the age of 18 years. In view of the improved educational qualifications of applicants, it is felt that this age limit can now be reduced to 17 years.

I take it that the words "no person shall be enrolled as a nurse" refer to the end of a person's training. If they did, she would have had to start her training at the beginning of her secondary schooling. Clause 12 repeals and re-enacts sections of the principal Act that must be amended because of the relevant provisions relating to registered nurses and enrolled nurses. The remaining clauses (13 to 20) are consequential upon the change in title from "nurse aide" to "enrolled nurse". As one who has worked for the whole of his adult life with nurses in various stages of training and as one who has helped to train many of them, I think this Bill can do nothing but good for the nursing profession in this State. It will give girls the opportunity of entering the nursing profession at one of two levels. Some girls are made for one level and other girls are made for the other level. I support the Bill.

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

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3054.)

The Hon. T. M. CASEY (Minister of Agriculture): In reply to the question raised earlier in the debate by the Hon. Sir Arthur Rymill, I point out that the present provisions of the principal Act are based largely upon the Waterworks Act of 1882. In some respects they are not entirely appropriate to encompass the present circumstances. It was once envisaged that main pipes would be laid in streets and that the land and premises that would be rated would be those that abutted on those streets or were supplied from services in mains in those streets. Actually, such pipes are not always laid in streets; sometimes they are laid adjacent to streets or amongst properties. It is clear that the original intention was that properties that could be provided with a water supply should be subject to water rates. The purpose of the amendment is that this intention should be placed beyond doubt, thereby avoiding the possibility of anomalies.

The current questions raised do not concern questions of law so much as questions of fact. Because of the present wording of the Act, some landowners whose land is situated in such a position that it has been or may be provided with water have asked whether the location of the land is such that it is land described by the present provisions and, therefore, liable to water rates. Two writs have been served, but neither of these has been set down for hearing. It is thought that circumstances similar to those outlined in the answer to the first point would arise as similar circumstances exist. The intention of the legislation is to more clearly define "ratable land" so that anomalous situations will not arise and water rates may be levied in all cases.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Validation, etc."

The Hon. Sir ARTHUR RYMILL: I thank the Minister for his very clear explanation in reply to the questions I asked last night relative to new section 5a, particularly subsection (2). I thought it was my duty as a member that I should understand what these rather cryptic numbers meant and what the thing was all about. I had read the Bill very carefully and it had looked to me as though it were a perfectly satisfactory piece of legislation, and the Minister's statement today has confirmed this in my mind. He has satisfied me that what is proposed here is proper and that it is merely covering up a defect which existed but which, because not much attention had ever been directed to it, not many people knew about. I think probably everyone has accepted for many years that this was the legal position; I certainly had accepted that. I have no objection to the clause, and I support it.

Remaining clauses (4 to 10) and title passed.

Bill read a third time and passed.

SEWERAGE ACT AMENDMENT BILL

(Second reading debate adjourned on November 24. Page 2943.)

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

ADJOURNMENT

At 5.28 p.m. the Council adjourned until Tuesday, December 1, at 2.15 p.m.