LEGISLATIVE COUNCIL

Thursday, November 25, 1971

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

ASSENT TO BILLS

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

Cigarettes (Labelling),
Film Classification,
Hallett Cove to Port Stanvac Railway Extension,
Municipal Tramways Trust Act Amendment,
Offenders Probation Act Amendment,
Parliamentary Superannuation Act Amendment,
Prices Act Amendment,
Public Service Act Amendment,
Registration of Dogs Act Amendment,
Renmark Irrigation Trust Act Amendment,
Snowy Mountains Engineering Corporation (South Australia),
Superannuation Act Amendment.

SECONDHAND MOTOR VEHICLES BILL

At 2.20 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 24, page 14, lines 18 to 28—Leave out all words after "vehicle" and insert:

(*a*) at a cash price of or over one thousand dollars or such other amount as is from time to time prescribed and—

(i) before that vehicle has been driven for five thousand kilometres after the sale;

or

(ii) before the expiration of the period of three months next following the day of the sale,

whichever event first occurs, a defect appears in that vehicle, whether or not that defect existed at the time of the sale, the dealer who sold that vehicle shall repair or make good, or cause to be repaired or made good, that defect so as to place that vehicle in a reasonable condition having regard to its age;

or

(*b*) at a cash price of less than one thousand dollars or such other amount as is from time to time prescribed and—

(i) before that vehicle has been driven for three thousand kilometres after the sale;

or

(ii) before the expiration of the period of two months next following the day of the sale,

whichever event first occurs, a defect appears in that vehicle, whether or not that defect existed at the time of the sale, the dealer who sold that vehicle shall repair or make good, or cause to be repaired or made good, that defect so as to place that vehicle in a reasonable condition having regard to its age.

(2a) For the purposes of calculating the period referred to in subparagraph (ii) of paragraph (*a*) or subparagraph (ii) of paragraph (*b*) of subsection (1) of this section no regard shall be paid to any period during which the dealer has the vehicle in his possession for the purpose or purported purpose of ascertaining or carrying out his obligations under this section.

Clause 24, page 15, line 3—Leave out "or".

Clause 24, page 15, after line 7 insert:

or

(*f*) occurring in a vehicle that has, for the time being, been exempted from the provisons of subsection (1) of this section by notice under subsection (4) of this section.

Clause 24, page 15, after line 13 insert:

(4) The Commissioner may, by notice published in the *Gazette*, exempt a vehicle or a vehicle of a class from the provisions of subsection (1) of this section and may by notice published in a like manner revoke or amend any such exemption.

and make the following consequential amendment:

Clause 42, page 22, after line 17 insert:

(da) provide for the form of a notice that shall be affixed to a vehicle indicating that the vehicle has been exempted from the provisions of subsection (1) of section 24 of this Act;

and that the House of Assembly agree thereto.

As to Amendments Nos. 3, 4, *and* 6:

That the Legislative Council do not further insist on its amendments.

As to Amendment No. 5:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 27, page 16, after line 43 insert:

(5) A person shall not wilfully make any false or misleading statement or claim in or in relation to any hearing or determination under this section:

Penalty: Two hundred dollars.

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The managers from both Houses met in the conference room at about 9.45 p.m. last night, when considerable discussion took place on the merits, or otherwise, of the amendments. The managers from another place explained more fully than was done in the second reading debate what consideration had been given to the preparation of the Bill and the reason for its introduction. The first part of the conference took about 1½ to 1¾ hours, during which time the Bill was generally explained, each side putting forward its views to the other. The conference was held in an admirable spirit with a complete willingness to co-operate shown by both sides. After the principles involved were agreed upon, the managers attempted to transform their decisions into legal verbiage.

Having discussed the matter with the Attorney-General, I know that he is satisfied with the recommendations of the conference, which have put the teeth back into the legislation. I believe the managers from this Council also are happy with the result of the conference, and it is with complete confidence that I ask the Committee to accept the recommendations.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support what the Chief Secretary has said. Perhaps I could briefly explain to honourable members the agreement that was reached by the conference. If one recollects the second reading debate and the Committee debate, one will remember that several honourable members in this Chamber were concerned about the fundamental changes that were proposed in the laws of this State. Whereas by common law a buyer had to treat a transaction with caution—

The Hon. Sir Arthur Rymill: *Caveat emptor.*

The Hon. R. C. DeGARIS: —this Bill makes a fundamental change, so that the buyer is no longer placed in that position. I thank the Hon. Sir Arthur Rymill for giving me the correct term. In future, the seller must assume the total responsibility in relation to the sale of a secondhand vehicle over a certain value. This fundamental change concerned this Council and we wanted to see that the provisions of the Bill were workable. I agree with the Chief Secretary that in the first 1½ hours of the conference this change in principle was strongly debated; but the Government has said quite clearly, both in its policy speech and in the statement made by the Attorney-General, that the present law must change in this regard, in that the buyer will no longer have the total responsibility on his shoulders.

Having accepted the fact that this is Government policy, although honourable members in this Chamber may have different views on this, and having accepted the fact that the Government intends changing this common law situation, we then got down to considering the legislation as it was presented to us. It is fair to say that the House of Assembly in its discussions did agree that some points made by the Council on this Bill were valid, but the difficulty came in attempting to draft clauses that would adequately represent the views not only of this Council but also of another place. In the first half of the amendment, instead of the warranty being a full warranty on all vehicles costing $500 or over, the warranty on a vehicle priced between $500 and $1,000 is reduced to a warranty of two months or 3 000 km; for $1,000 and over the full warranty of three months or 5 000 km applies, with the added change that the period for which the vehicle is in the dealer's hands for repairs is not taken into account in that warranty period. New subsection (4) provides:

The Commissioner may, by notice published in the *Gazette*, exempt a vehicle or a vehicle of a class from the provisions of subsection (1) of this section and may by notice published in a like manner revoke or amend any such exemption.

This is directed to the problem that was emphasized in this Chamber of the expensive or exotic vehicle being sold secondhand at a price of $500 or over, on which it is impossible to give a warranty. I think the other place agreed that this was a distinct problem. It was on this point that we had much difficulty in being able to put into words the views of both Houses. Finally, we came up with the solution of leaving it in the hands of the Commissioner to decide by publishing in the *Gazette* a vehicle or class of vehicle that could be exempt from the provisions of this measure.

For example, there could be an exotic vehicle for which no spare parts were available; it could be 10 years old and might have cost $10,000 or $20,000 to buy when new. On a used car lot there might be a buyer at $2,000. It would be impossible for any dealer to give a warranty on that vehicle. This amendment gives the Commissioner the power to exempt that vehicle, or that class

of vehicle, from the provisions of the legislation.

There are vehicles in use in this State and some manufactured in this State which, at the age of 10 years, have probably done 200,000 miles and may be on the market for perhaps $1,000: once again, it would be difficult to give a warranty on them. The Commissioner has power to exempt this class of vehicle. I see this power, if the Commissioner uses it wisely, being used to overcome the problems we saw in this Council in relation to this matter. It is not a redrafting that completely satisfies me, but it is the best the conference could come up with to cater for the problem raised by the Legislative Council. There is a further amendment to clause 42 which increases the regulation-making powers in relation to the other clauses.

I now come to the final matter, which I believe overcomes some of the difficulties we saw in relation to what one might term the unscrupulous buyer. As practical people, we all know that there are unscrupulous buyers as well as unscrupulous sellers. This has placed emphasis on the fact that a person who makes any false or misleading statement or claim before the Commissioner in relation to a hearing between a dealer and a buyer is under penalty of $200. I look at this as being a most important measure, because it is unfair, I think, if a buyer can come forward and make a completely extravagant claim.

I quoted a few cases that could happen and I was rather laughed at by some Ministers, but unfortunately they are valid. If a person is found to be making false or misleading statements, he is liable to a penalty of $200.

I believe this goes some way to overcoming the difficulties the Council saw in this matter. I support the motion. The conference was a good one. After we had resolved questions of basic policy we then got down to considering the ramifications of the clauses that we deleted, and I think we have come up with a compromise that goes a long way towards satisfying the Council's views in this respect.

Motion carried.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

At 2.38 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 5:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 6:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 24, page 6, lines 16 to 18—Leave out paragraph (*c*) and insert paragraph as follows:

(*c*) by striking out paragraph (*k*) of subsection (1) and inserting in lieu thereof the following paragraph:

(*k*) defraying legal and administrative expenses reasonably incurred by the council in examining, and obtaining advice upon the effect of, proposed legislation, in the preparation of a Bill and its introduction into Parliament, or in the preparation of amendments to any Bill before Parliament;

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The conference was conducted amicably, and all managers from this place participated in the discussions in an endeavour to reach a reasonable compromise that would be acceptable to both Houses. Naturally, it took some time to reach agreement, but I believe that the agreement reached will be most satisfactory to both Houses.

The Hon. M. B. DAWKINS: I support the motion. The conference was conducted in an atmosphere of cordiality and co-operation, and I believe that a satisfactory compromise has been reached. In connection with amendment No. 5, we received a further assurance that the words to which objection had been taken referred only to the activities of the Adelaide City Council in connection with its desire to make donations to a Commonwealth organization. In fact, the donations that have been made in the past and are now being made to the Murray Valley Development League will not be affected by that part of the clause. It also appears possible, under the first part of the clause, for reasonable concerted action to be taken by councils through the Local Government Association, if they so desire, without Ministerial control.

Amendment No. 6 related to the provision requiring councils to obtain the Minister's consent on each occasion before spending money on promoting a Bill before Parliament. The conference agreed to recommend that the provision be reworded so that the meaning of "promote" was spelt out. New paragraph (*k*)

spells out clearly what councils can do without having to get Ministerial consent. I believe that the compromise is satisfactory.

The Hon. C. M. HILL: I, too, support the motion, but I wish to add one point; under new paragraph (*k*) councils may now expend revenue in examining legislation and in preparing amendments to any Bill before Parliament without having to go back to the Minister for his consent to that expenditure. The original Bill provided that councils would have to obtain the Minister's consent before undertaking that kind of expenditure, but under the new provision they will not have to do that. However, they can undertake that expenditure only in a reasonable manner; that provides a curb on any unrealistic plans that a council may have.

Motion carried.

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

QUESTIONS

FISHING REGULATIONS

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

Leave granted.

The Hon. C. R. STORY: Yesterday I asked the Minister a series of questions that resulted from representations I had received from the South Australian Field and Game Association, Riverland Branch, and the Riverland Amateur Fishermen's Association. On reading an article in yesterday's *Advertiser,* I concluded that regulations were to be made concerning the fixing of the length of fish taken and concerning fishing devices that were set out in a letter I made available to the Minister yesterday. When replying to my question, the Minister said that as far as he knew the matter would be dealt with by regulation. That allayed some of my fears, because this Council has the power to disallow regulations. However, I now find that most of these matters will be dealt with by proclamation, which is a very different matter. Having considered my representations, can the Minister say what changes in his views have resulted from those representations, following the letters that were made available to him?

The Hon. T. M. CASEY: I am always happy to help the honourable member. We all realize that, as legislators, we have to try to do the best we can for everyone. I assure the honourable member that I have considered the matters he raised to the extent that I have altered some matters dealing with the proclamation of the size of certain types of fish taken; one type in particular will be dealt with, and the others will be left as they are. The question of fishing devices is receiving attention, and I assure the honourable member that what he has referred to will be considered.

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

Leave granted.

The Hon. M. B. CAMERON: Yesterday, when replying to a question about fishing regulations, the Minister said that it was possible under the new regulations to use a fishing rod and a hand line as well as three craypots. In the Southern District people fish from the beach because they do not own a boat, and do not wish to use three craypots. From the point of view of the fishing industry it would be better to persuade them not to use the craypots, if possible. Will the Minister allow these people to have the option of using three fishing rods instead of three craypots, if they so wish, because it would be an advantage to the industry and would make little difference to the line fishin potential of the area?

The Hon. T. M. CASEY: No. The regulations have been set down and on every indication conveyed to me it would seem that if people use two rods (one in each hand), or a rod and a line, they are doing very well.

The Hon. C. M. HILL: Further to the question I asked the Minister of Agriculture yesterday regarding fishing regulations and the reply he gave today to the Hon. Mr. Story, I direct a further question to him. Has the Minister been able to convince the Government of the need to allow children to fish from jetties and wharves without having to worry about the Fisheries and Fauna Conservation Department's restrictions and controls?

The Hon. T. M. CASEY: It has never been the Government's intention to restrict children when fishing in this manner.

The Hon. C. M. Hill: What about the size of fish?

The Hon. T. M. CASEY: I do not think this applies to children under a certain age.

The Hon. C. M. Hill: It does not to children up to eight years of age but it does to children older than that.

The Hon. T. M. CASEY: I have examined the situation and, in order to spell out more clearly and in a definite manner the way in

which these children can be exempted, I will obtain a report for the honourable member.

CHIROPRACTORS

The Hon. L. R. HART: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. L. R. HART: An article in today's *News* states that in one year more than 5,500 patients have been treated at 12 clinics of graduate chiropractors in South Australia. The article states:

No-one knows the number treated by untrained chiropractors.

I understand that the Chiropractors Association has made submissions to the Government for legislation to be introduced to register all chiropractors in South Australia. I also understand that this move has the backing of some trade unions. For some years there have been two groups of chiropractors operating in South Australia—

The Hon. A. J. Shard: At least three: come on, tell the truth. Your publicity people haven't briefed you too well.

The PRESIDENT: Order! The honourable member should not be interrupted when he is asking a question.

The Hon. L. R. HART: To my knowledge two groups have operated in South Australia: one group refers to itself as graduate chiropractors, and I believe this group's members obtain their training overseas, almost entirely in America. The other group obtains its training in South Australia. Some friction has existed between these groups during the years and, no doubt, this situation has prevented them from making a combined submission to the Government for registration. Can the Minister of Health say what is the Government's attitude to the registration of chiropractors in South Australia?

The Hon. A. J. SHARD: This will be the first of many shots by chiropractors to use pressure on someone to say something that suits them. I have been warned, and I know all about it. However, the Government has not considered the registration of chiropractors. True, some approaches have been made, and in reply to a recent question I said that if chiropractors could settle their differences and suggest a sound and combined policy any request that they made to the Government would be considered. From memory, I have not received a recent deputation from chiropractors, but I cannot remember whether they have attended on me since we have been in office. If they wish to talk to me, my door is always open, and I am willing to listen to them and give them the same courtesy and consideration that I give to anyone who comes to see me. When they submit their case, I will be prepared to take it to Cabinet and obtain a Government decision. I believe that chiropractors will be submitting a case to the Health Committee that we appointed to study all aspects of health in this State, but I would be loath to make any new departure in the health field until that committee's report had been submitted. I do not respond to pressure: if they wish to use pressure that is their business, but it will have no effect on me.

HOSPITAL FIRE CONTROL

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

Leave granted.

The Hon. V. G. SPRINGETT: Earlier this session I asked the Minister a question about fire prevention facilities within hospitals, with particular reference to smaller private hospitals. The Minister told me that he would consider the matter. Since then I have visited several hospitals and have seen that the standards of safety vary considerably. Can the Minister say what the present position is concerning this investigation?

The Hon. A. J. SHARD: I am unable to give the honourable member information about the present situation. I have asked my department to consider this matter, but no decision has been reached. I am surprised at the number of hospitals that have undertaken fire drill since the honourable member first asked the question. This drill has taken place at the Adelaide Children's Hospital and at several other hospitals, and I think that only good has come from the honourable member's question. I will examine the matter and see what can be done. I understand that some hospitals have conducted fire drills and that many people have taken more interest in them than they did before this question was asked.

AFRICAN DAISY

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

Leave granted.

The Hon. M. B. DAWKINS: I think all members are aware of the unfortunate spread of African daisy, and I know that the Hon. Mr. Kemp has raised this matter in recent weeks. A few days ago I received a letter

from the District Clerk of the District Council of Barossa, as follows:

The council was deeply concerned over the sudden decision of the Agriculture Department to remove the weed African daisy from schedule 2 to schedule 3 and the complete lack of communication with councils before making this decision. If decisions like this are made suddenly and without warning, they can leave councils highly embarrassed financially and legally and certainly not in a position to command respect and co-operation from landholders in the matter of noxious weed control. I know the gentlemen concerned, and I know that their programme was upset because they did not have any notice of this decision. If decisions like this are to be made in future, will the Minister try to ensure that the department gives councils some adequate notice of the decision, if possible?

The Hon. T. M. CASEY: The reply to the question is "Yes". However, when this matter was considered, weeds officers from my department called on all district councils in the Adelaide Hills. If they did not call on the District Council of Barossa, I must apologize, but I understood that all councils interested in this weed were communicated with. I assure the honourable member that this matter was given much consideration before the transfer of this weed from schedule 2 to schedule 3 was made. I do not know how the District Council of Barossa was missed, but I apologize for the omission. We made a determined effort to ensure that all councils in the area were notified: in fact, they were considered when dealing with the problem of this weed. Last week I toured the Adelaide Hills and visited the District Council of Gumeracha, where I had a long discussion with all members of the council about this matter.

RURAL ASSISTANCE

The Hon. D. H. L. BANFIELD: As honourable members would no doubt be interested to know the latest figures regarding applications received under the Rural Industry Assistance Act, will the Minister of Lands supply the Council with those figures?

The Hon. A. F. KNEEBONE: For the benefit of honourable members, I supply the following information:

Applications received	Total	398
comprising:		
Farm Build Up		32
Applications recommended for approval	2	
Applications recommended for refusal	7	
Applications pending	23	
Total of advances recommended	$64,200	
Debt Reconstruction-Carry On		366
Applications recommended for approval	75	
Applications recommended for refusal	99	
Applications withdrawn	3	
Applications before the committee	100	
Applications pending	89	
Total of advances recommended	$1,445,796.80	
Protection Certificates		
Number sought	48	
Protection Certificates issued	6	
Protection Certificates cancelled	1	
Protection Certificates declined	18	

In other cases the administering authority has been able to negotiate the deferment of proceedings.

CAPITAL TAXATION

The Hon. M. B. DAWKINS: About three weeks ago I asked the Chief Secretary, as Leader of the Government in this Chamber (because I felt it involved Government policy to some extent), a question regarding capital taxation. I realize that the Chief Secretary has had difficulty in obtaining a reply to my question, and I do not attach any blame to him in this respect. Will he furnish me with a reply by letter as soon as possible if he has not got a reply with him now?

The Hon. A. J. SHARD: The honourable member mentioned this question to me on Tuesday, and I have tried to trace it. Unfortunately, I have not got the reply with me. However, I assure the honourable member that, as soon as it is available, a written reply will be conveyed to him.

BELAIR LAND

The Hon. C. M. HILL: Has the Minister of Lands received from the Minister of Local Government a reply to the question I asked on November 18 regarding the possibility of special consideration being given to financing the purchase of land at Belair adjacent to the Kalyra Sanatorium?

The Hon. A. F. KNEEBONE: Before I answer this question, I inform honourable members that, if I am unable to supply answers to questions that they have asked, those replies will be sent to them by letter following the Council's adjournment. The Minister of Local Government reports that, if the City of Mitcham applies for financial assistance to purchase 23 acres of land adjacent to the Kalyra Sanatorium at Belair, consideration will be given to the matter. As stated by the honourable member, the

Government is not limited to providing grants of only 50 per cent of the purchase price. However, in view of the considerable number of applications for assistance, the Government has followed a general policy of granting half of the Land Board valuation of the land. It is not possible to say at this stage whether the matter mentioned by the honourable member would warrant greater assistance. In addition, it would depend on funds available. However, if an application is received, it will be considered.

MAIN ROAD JUNCTIONS

The Hon. A. M. WHYTE: On November 4, I asked the Minister of Lands, representing the Minister of Roads and Transport, a question regarding the wisdom of 90 degree road junctions with main roads. Has he a reply?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport reports that the Port Pirie by-pass has been designed as part of the Adelaide to Port Augusta section of national route 1. The Georges Corner intersection at the northern end of this by-pass has been reconstructed to eliminate the original sharp bend, which was met unexpectedly at the end of the straight alignment on the by-pass, and to improve poor sight distance which made this junction hazardous. When approaching the new intersection, traffic from the north wishing to proceed to Port Pirie will move to the right into a turning lane, then complete the right turn through a 70 degree angle into the Port Pirie road. The design of the intersection requires vehicles to make this turn from the right-turn lane, and the radius of the curve is such that no turning vehicles will need to use the left-hand lane. Vehicles waiting to turn right through a gap in the north-bound traffic will stand in the turning lane, out of the way of south-bound traffic, and can complete the turn in safety when the opportunity offers.

ATOMIC FALL-OUT

The Hon. R. C. DeGARIS: Has the Chief Secretary replies to three questions, one I asked regarding atomic fall-out, and two that the Hon. Mr. Hill asked?

The PRESIDENT: Order! Requests for replies to questions must be asked independently; they cannot be asked in a group.

The Hon. A. J. SHARD: I have a reply to the Leader's question regarding atomic fall-out. As the reply is a lengthy one I ask that it be incorporated in *Hansard* without my reading it.

Leave granted.

RADIO-ACTIVITY

The tests for radio-activity of reservoir waters were conducted on samples collected from the "meta-centre" of each reservoir, 3ft. below the surface. Standardized sampling at this point enables valid information to be obtained on radio-activity in the water being drawn off for use. Although the fall-out material is probably insoluble and is deposited rapidly in the reservoir storages, sampling of the bottom waters would not give significant information of the radio-activity of the water being reticulated. Tests for total beta radio-activity were made this month on water from eight rainwater tanks in metropolitan, Adelaide Hills, and country areas. The results indicated an average level of 47.4 picocuries/litre with a minimum of 29.2 picocuries/litre and a maximum of 68.6 picocuries/litre.

The total beta radio-activity in rain has been measured in samples collected at Bolivar by the Engineering and Water Supply Department. Tests were made from April to December, 1970, and from April to November, 1971. The results are shown in the graphs which I have already handed to the honourable member. Peaks of 583, 505 and 860 picocuries/litre were recorded in June, July and September, 1971. These levels are attributed to the French nuclear tests in the Pacific, the last explosion of the series being on August 1, 1971. By mid-October, the level had returned to 50 picocuries/litre. The radio-activity in the public water supplies of the State continues to be at a negligible level, the maximum acceptable limit being 1,000 picocuries/litre.

PORT MACDONNELL BREAKWATER

The Hon. M. B. CAMERON: Has the Minister of Agriculture received from the Minister of Marine a reply to my recent question regarding the Port MacDonnell breakwater?

The Hon. T. M. CASEY: The Minister of Marine reports that the amount of stone required for a breakwater at Port MacDonnell is nearer 160,000 tons than 60,000 tons. Small stones or rocks can be used for breakwater construction if they are made up into concrete blocks, but this would increase the cost of construction considerably. The open nature of the coast at Port MacDonnell is such that heavy seas would soon flatten a breakwater made of small rocks, particularly the outer face where rocks of at least 10 tons in weight would be needed.

SPEED LIMITS

The Hon. C. M. HILL: Has the Chief Secretary a reply to the question I asked recently regarding the speed limits on heavy commercial vehicles?

The Hon. A. J. SHARD: I have received a reply from the Police Department concerning the manner in which it measures the

speed of vehicles. As the reply is a lengthy one, I ask leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

SPEED LIMITS

Stop watches are used by members of the Highway Patrol to detect commercial vehicles which are exceeding the speed limit. The stop watches are used over a measured mile or half mile. When the defendant is timed over a measured mile it is generally from one mile post to the other. Where he is timed over a half mile, it is generally from one mile post to a position indicated by a red flag, or from a position indicated by a red flag to a mile post. This method gives the average speed of the vehicle over the whole distance. Such evidence is submitted as proof in courts. It has been contested on a number of occasions before Special Magistrates but on no occasion has a charge been dismissed by a Special Magistrate. The method results in an accurate calculation of the speed of the vehicle over the distance in question. It is not an estimation of its speed. The defendant is charged with exceeding a specific speed limit and not with travelling at a specific speed.

NON-RETURNABLE BOTTLES

The Hon. F. J. POTTER: Has the Minister of Lands received from the Minister of Environment and Conservation a reply to the question I asked some time ago about non-returnable bottles?

The Hon. A. F. KNEEBONE: The Minister of Environment and Conservation reports that the Committee on Environment is currently looking at the problems associated with non-returnable bottles. The letter from the South Australian Mixed Business Association referred to by the honourable member has already been sent on to the Committee on Environment by the Minister of Environment and Conservation for consideration.

BUILDERS LICENSING

The Hon. C. M. HILL: Has the Chief Secretary a reply to the question I asked recently regarding the reasons why a British migrant could not obtain a general builder's licence?

The Hon. A. J. SHARD: As the reply I have is of some length, I ask permission to have it incorporated in *Hansard* without my reading it.

Leave granted.

BUILDERS LICENSING

Mr. Gawronski's application for a general builder's licence was refused because of insufficient experience. He was advised to reapply in March when further knowledge of Australian conditions had been obtained. Following representations from the Housing Industry Association emphasizing experience in England, inquiries were instituted through the Agent-General. Mr. Gawronski had stated that in 1957 he was registered with the London Borough Council as a master builder and master plumber and it was within this Greater London Council area that he had conducted all his operations over the 18 years prior to his departure for Australia. He said that he had covered virtually every facet of the industry under contract in his own name, and had carried out numerous renovations and additions as a sub-contractor to "Humphreys". Mr. Gawronski said that all this information could be verified by the London Borough Council.

A telex from the Agent-General received today advises that neither the G.L.C. nor the Master Builders Federation in London had a record of Mr. Gawronski. There are, apparently, many London borough councils and the firm "Humphreys" is out of business. The Agent-General advises that there is no formal registration of builders there. In these circumstances, Mr. Gawronski will have to supply further details of his British experience for checking. Whilst Mr. Gawronski may be able to substantiate his claim in due course, I nevertheless emphasize the useful function performed by the Builders Licensing Board in refusing licences to unqualified applicants.

ADELAIDE FESTIVAL CENTRE TRUST BILL

Adjourned debate on second reading.

(Continued from November 23. Page 3254.)

The Hon. E. K. RUSSACK (Midland): I support the second reading of this Bill and should like to draw honourable members' attention to a report dated October 10, 1968. It was from a committee investigating a festival hall site in Elder Park. Portion of it states:

Further, the Committee feels that, not only is the use of the Elder Park site feasible but that its use would create an exciting range of possibilities for the civic design of areas of the southern bank of the Torrens Lake between Morphett Street and City bridges and for the environs of Parliament House.

It would appear that the exciting range of possibilities has come to reality in this Bill.

Adelaide is known as the festival city. In the United Kingdom there are some 10 cities that throughout the year hold festivals dealing with the arts, some of them dating back about 200 years. Possibly, the best known is the Edinburgh Festival and the Adelaide Festival of Arts was probably based on that festival. The word "festival" is used in connection with the buildings and the area with which we are dealing in this Bill. Going back to the Festival Hall (City of Adelaide) Amendment Act, 1970, we find that the history concerns three sections of land on the northern side of Parliament House and the Adelaide railway station—sections 654, 655 and 656. Last year,

section 654 was vested in the City of Adelaide. Sections 655 and 656 were revested in the Crown for the purpose of the development of an area for a festival centre. Today, we are considering principally in this Bill sections 655 and 656.

On August 18 of this year the Premier announced that there would be an amphitheatre and arts centre established on those sections of ground at an estimated cost of $2,500,000. A festival hall was under construction at an estimated cost of $5,700,000, so this made an overall cost for the whole complex of $8,200,000; but I am given to understand that that cost has now escalated to about $12,000,000 or $14,000,000 and that the Government has accepted a figure of that size as being about the actual cost.

The Hon. D. H. L. Banfield: How does this compare with the Sydney Opera House?

The Hon. E. K. RUSSACK: I was about to mention that: it compares favourably with the wellknown Sydney Opera House and also with the Melbourne cultural complex. However, irrespective of comparisons of cost, it is debatable whether now is the appropriate time for this development of the final section of this festival complex.

The Hon. D. H. L. Banfield: When do you think would be a suitable time?

The Hon. E. K. RUSSACK: I think a suitable time would be in the future when moneys were more readily available. Loan money could be used now for more specific and urgent needs. However, I understand it is Government policy—

The Hon. A. J. Shard: And of the previous Government, too.

The Hon. E. K. RUSSACK: It was envisaged by the previous Government that this development would take place, but no specific time was given.

The Hon. D. H. L. Banfield: It never could make up its mind.

The Hon. E. K. RUSSACK: It must have made up its mind because it formulated a definite plan and presented the plan of the site on which this complex is to be located. I venture to say here and now that no better site could have been determined than the site where this centre is now to be erected.

The Hon. C. M. Hill: Certainly, it is better than Government House grounds.

The Hon. E. K. RUSSACK: We could debate for some time the merits of this decision. However, because of the urgency of the matter and the limited time available, I intend to make my remarks as brief as possible and to the point. The purpose of this Bill is to create a trust. In concise terms, this trust will look after and exercise the oversight, the administration and indeed the control of the construction of the new building. Therefore, it is necessary that this trust be created. Clause 4 defines "the centre" as comprising a drama theatre, an amphitheatre and an experimental theatre. The drama theatre will accommodate some 600 people, the amphitheatre will seat 2,000 people, and the experimental theatre some 200 people.

Before this Bill was introduced, a Select Committee investigated the venture. The report I have before me is dated November 23. Certain people were asked to meet the Select Committee and give evidence. Possibly, during the consideration of the clauses of the Bill, I shall refer to the Select Committee's report, clause 7 of which states:

Your Committee recommends that the Bill will be passed with the following amendments,

and those amendments were attended to in another place. In clause 4, the centre is defined as the Adelaide Festival Centre comprised of the festival theatre, a drama theatre, an amphitheatre, an experimental theatre and all works and conveniences incidental thereto or necessary therefor including, without limiting the generality of the expression, all plazas, walks, parks, open spaces, roads, and car parks connected with or comprised in the Adelaide Festival Centre. This covers the whole area, and that amendment was necessary so that any regulations prescribed would affect the whole area, whether built upon or not.

In his second reading explanation, the Minister said:

The Bill provides for the establishment of a trust to which will be ultimately committed the management and control of the whole of this performing arts complex . . . In addition, the trust is given the responsibility of completing the works comprised in the centre.

I expect most members will have seen the very well prepared and expertly designed model of the centre which is on display in Parliament House. Anyone seeing the model is given an immediate idea of how the finished complex will appear. I suggest that any member who has not already inspected the model should do so, and he will appreciate the manner in which the area will be aesthetically improved when the complex is complete. The trust is to comprise six trustees, four of whom shall be nominated by the Minister and two by the council from amongst members or

officers of the council, and of course "council" is defined in clause 4 as the Corporation of the City of Adelaide. Clause 18 reads as follows:

All real and personal property comprised in the Centre, not being real or personal property that is pursuant to section 4 of the Adelaide Festival Theatre Act, 1964-1970, vested in the Council, shall vest in and belong to the Trust.

That links up with clause 23, which provides:

The Trust may enter into an arrangement with the Council upon such terms as are approved of by the Minister to perform and exercise on behalf of the Council the powers and functions in relation to the care, control and management of the Festival Theatre conferred on the Council by section 4 of the Adelaide Festival Theatre Act, 1964-1970, and the Trust may so perform or exercise any such powers and functions under and in accordance with any such arrangement.

Certain contracts have been entered into by the council, which has a financial interest in some contracts now going on with the building of the festival hall. At the appropriate time after the completion of these contracts, the festival hall, together with the festival centre, will be vested in the trust, and the trust will take over the whole oversight of the complete complex. In the exercise and discharge of its powers, duties and functions, and authorities the trust shall, except where it makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister. The objects of the trust are set out in clause 20. First, the trust is charged with the responsibility of encouraging and facilitating artistic, cultural and performing arts activities throughout South Australia, and encouraging the use of the centre to the best possible advantage. The trust is also charged with the care, control, management, maintenance and improvement of the centre and of all things necessary for, incidental and ancillary to such care, control, management, maintenance and improvement.

The trust may also, in the furtherance of its objects, make available on such terms as it sees fit any building or facility comprised in the centre for any purpose for which, in its opinion, that building or facility is suited. It has the responsibility to see that the buildings can be used for purposes for which the public or other organizations might apply. The trust may also provide, or cause to be provided, meals, refreshments, and catering services in connection with the use of any building or facility within the centre. We accept that the trust will be the body responsible for the care and upkeep of the complex for any purpose for which it will be used.

Clause 24 (3) provides that the works that are authorized shall not be a public work as defined in section 3 of the Public Works Standing Committee Act, 1927, as amended. This was mentioned by the Minister in his second reading explanation, where he said:

Clause 24 empowers the trust to construct the drama facilities, that is, a drama theatre, an experimental theatre and an amphitheatre. I would draw honourable members' attention to subclause (3) of this clause, the effect of which will be that these works will not be referred to the Public Works Standing Committee. However, in accordance with the practice established in relation to the festival theatre, this Bill was referred to a Select Committee in another place.

I have said that the Adelaide City Council is an interested party, and I refer honourable members to the evidence of the Lord Mayor who indicated that, subject to the foregoing amendment, the city council fully supported the measure and was pleased to be so intimately associated with the exciting concept of the Adelaide Festival Centre. Therefore, the council is in full accord with and has full knowledge of the intentions of the trust, and is in agreement with the measure before us. Clause 29 provides:

Section 655, section 656 and section 672 shall on and from the commencement of this Act by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

For the purpose of water or sewerage rates or local government rates we find that, during the period of the next 10 years following a day to be fixed by proclamation for the purpose, the real property comprised in the centre shall be deemed to have an assessed annual value of $50,000. Where money is spent by the Treasury it is necessary that the people know just how it is being spent and what progress has been made. In this connection, clause 32 provides:

(1) As soon as practicable after the end of each financial year the trust shall present a report to the Minister on its activities during the year and setting out in a form approved by the Minister a statement as to its financial position.

(2) The Minister shall cause every report of the trust made in accordance with subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

Further, clause 33 provides:

(1) The trust may accept—

(*a*) grants, conveyances, transfers and leases of land whether from the Crown or any instrumentality thereof or any other person;

(*b*) rights to the use, control, management or occupation of any land;

and

(*c*) gifts of personal property of any kind to be used or applied by it for the purposes of this Act.

(2) Notwithstanding anything contained in the Stamp Duties Act, 1923, as amended, no stamp duty shall be payable on any instrument by which land or any interest in or right over land is granted or assured to or vested in the trust or on any contract or instrument executed by the trust for the purpose of disposing of any property.

So, anyone making a gift to the trust of the kind referred to in clause 33 (2) will not be liable to pay stamp duty or gift duty. Clause 35 provides that regulations may be made for the purpose of giving effect to the objects of the Bill. I wish to draw the Minister's attention to two errors. Regarding clause 4, in the definition of "the centre" the word "therefore" is misspelt; it should be "therefor". The word "therefore" means "for that reason, consequently"; however, the word "therefor" means "for that object or purpose". In clause 27 (1) (*c*) the word "by" first occurring should be "to".

The Hon. A. J. Shard: You are right again.

The Hon. E. K. RUSSACK: I commend this Bill to honourable members; its purpose is to create a trust to control and administer the festival complex. It sets out the composition of the trust and its objects, and it provides for regulations to be made. The proposal will not in any way hamper any underground railway scheme that may be proposed. In giving evidence to the House of Assembly's Select Committee on this Bill, the Railways Commissioner expressed concern that the vesting, under clause 29, in the Festival Centre Trust of the land comprised in sections 655 and 656, and the subsequent control by the trust of these areas, could prejudice railway operations, unless free access to facilities on the land could be provided until they were relocated. The committee was satisfied that that could be done. So, we have the Select Committee's assurance that there will be no obstruction to the use of the land by the Railways Department during the transitional period. I also believe that that applies to any future planning in connection with an underground railway. Perhaps the Government is premature in spending $12,250,000 on this project, but it is a matter of Government policy. The whole project will be a commendable asset to the festival city of Adelaide, and it will aesthetically improve the Torrens bank area. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I would be doing the Hon. Mr. Russack an injustice if I did not rise to congratulate him on his speech and to thank him for the time he obviously spent in preparing it. His homework has been excellent. He has been a member of this Council for a shorter time than have most other honourable members. The thoroughness of his preparation of the speech was shown when he picked up errors in the Bill. I again thank him for making such an excellent speech.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Definitions."

The Hon. E. K. RUSSACK: In the definition of "the centre" the word "therefore" should be "therefor".

The CHAIRMAN: That alteration has been made, and the other alteration mentioned by the honourable member will be made.

Clause passed.

Remaining clauses (5 to 35), schedule and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 3361.)

The Hon. R. A. GEDDES (Northern): In continuing my remarks, I point out that clause 4, which is the principal clause, provides:

Notwithstanding any other provision of this Act, other than the provisions of subsection (2) of this section the Commissioner and the officers and employees of the Commissioner are subject to the control of the Minister and, in the exercise of the powers, functions, authorities and duties conferred or imposed on the Commissioner or any officer or employee of the Commissioner by or under this Act or any other Act, the Commissioner or that officer or employee, as the case may be, shall comply with the directions, if any, given by the Minister.

These are explicit powers and indicate the Government's intention to control the railway system so that the Railways Commissioner will be subservient to the Minister. We have no precedent to argue against this Bill, because every other principal Government department in the State (except trusts, and particularly the Electricity Trust) is under direct political control of a Minister. This situation enables the

public to be able to have their justified grievances aired. The major departments have a Minister at their head, and he is responsible to Parliament and so to the people. This is the last Commissioner to come under the control of a Minister. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the way they have dealt with the Bill. Three Bills were introduced, each one bringing a different aspect of our transport system under control of the Minister. This is a part of the overall plan and policy of the Government to co-ordinate transport: that is, to provide the most efficient transport for all purposes. I do not want honourable members to remind me of something that happened about five years ago, although I have been reminded of it during the debate on one or other of these Bills. Since before and after the most recent election, honourable members and the public have been assured by the Premier that there is no intention to proceed with the same sort of controls that were contemplated at that time. I introduced the Bill then that proposed the same control of our transport operations that existed in other States. I do not want to try to justify the action that was taken at that time, as it has been stated openly and without equivocation that it is not intended to have this control. All honourable members in this Chamber know that it is planned to set up a Department of Transport, with a Director-General of Transport at its head.

The purpose of this and the other Bills is to bring certain areas of this State's transport activities under the control of the Minister of Roads and Transport, to whom the Director-General of Transport will be responsible. That officer will be senior to the administrative heads of the various transport departments. As a result of what has been said in this Chamber, I believe it is possible that two of the three Bills to which I have referred may be passed and that difficulty may be experienced with the other. I do not know why this should be so, although that is what I think will happen. This legislation is merely a part of the scheme to set up a Department of Transport.

The Leader of the Opposition in another place was most insistent that the Government should get on and appoint a Director-General of Transport. If there is to be a Director-General of Transport, who will control the department, as well as some other sort of controlling body outside of the department, the situation will be chaotic. Therefore, this should not happen. The Hon. Mr. Geddes, who has just resumed his seat, drew honourable members' attention to the fact that practically every other Government department in this State is under the control of a Minister. However, he did not mention the Highways Department. The Highways Act was amended some years ago to provide for Ministerial control. I remember the difficulty that I experienced in about 1966 when an amendment to that Act was before Parliament. A cumbersome subsection was then written into the Bill, as a result of which it was almost impossible for the Minister to direct the Highways Commissioner to spend money in certain areas.

The Hon. Mr. Hill asked me to refer to the Transport Policy Implementation Committee's report, and to say who were the members of that committee. Its Chairman was Mr. W. Voyzey of the Policy Secretariat; and its members were Mr. R. D. Barnes of the Treasury; Mr. S. Carapetis of the Minister's department; Mr. A. B. S. Daw of the Public Service Board; Mr. R. J. Fitch, the Railways Commissioner; Mr. Harris, the General Manager of the Municipal Tramways Trust; and Mr. A. K. Johinke, the Commissioner of Highways. The Secretary of the committee was Mr. R. Bachmann.

The Hon. C. M. Hill: Did that committee recommend this change?

The Hon. A. F. KNEEBONE: It examined the implementation of the Government's transportation policy. Its terms of reference included the following:

Examine the powers and responsibilities of the various Government departments, committees and other statutory bodies associated with transport and, where pertinent, the role of other transport organizations in the community, and recommend to the Minister of Roads and Transport the legislative, organizational and operational changes required to implement the stated policies of the Government. These currently include:

(i) The establishment of a Department of Transport.

Some of that committee's recommendations have already been implemented. That is all I wish to say about the Bill, which I hope will pass through its remaining stages without delay.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Commissioner and his officers and employees are subject to control of Minister."

The Hon. G. J. GILFILLAN: This clause refers to the Minister's control over the Commissioner and his employees. It appears to go much further than the authority expressed in most other Acts. Is this because the employees of other departments are more fully covered by the Public Service Act? Also, under the Road and Railway Transport Act, a Bill amending which is now before the Council, the board has some control over the Commissioner in certain areas of transport. Can the Minister say who will take precedence in this conflict of authority between the Transport Control Board and the Minister?

The Hon. A. F. KNEEBONE (Minister of Lands): First, employees of the Railways Department are not members of the Public Service and, secondly, I am informed that the Parliamentary Counsel recommended that the provision be drafted in this way. Also, the South Australian Railways Commissioner's Act bestows statutory powers on certain other officers.

Clause passed.

Remaining clauses (5 to 17) and title passed.

Bill read a third time and passed.

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 23. Page 3261.)

The Hon. G. J. GILFILLAN (Northern): I rise to speak to this Bill with some concern. We have just passed a Bill that gives absolute control of the railways to the Minister, and recently we have approved a similar Bill giving the Minister a certain measure of control over the Municipal Tramways Trust. Although I am somewhat wary of those two measures, they do at least deal with operating instrumentalities of the Government of South Australia, both being subsidized heavily from Consolidated Revenue. However, under the Road and Railway Transport Act there is an entirely different situation, because a body has been set up by Statute and has operated in South Australia for a long time. That body has been independent in its approach to transport problems in this State. I agree that it takes note of Government policy in making its decisions, as of course do members of Parliament, but within the confines of that understanding it acts independently.

I remember that in the days when we had transport control of motor trucks on the roads throughout the State the Transport Control Board was very independent. It kept rigidly to the terms of the Act. Although that was annoying to many people, who sometimes at high level had to apply to get permits, the board kept rigidly to the provisions of the Act, because to depart from them would immediately have created precedents and further problems. So I view this attempt to control this rather independent body as an undesirable step towards the co-ordination of our State transport systems. Rather than give complete control to the Minister, I believe a more practical and acceptable step would be to amend the Road and Railway Transport Act where it is at variance with a sensible transport system. As I read the Act now, I believe the powers given to the board are reasonable; it has a certain amount of independence. It can initiate an inquiry if it so wishes and thinks desirable and, from my knowledge of the activities of the board and its members over a number of years, I believe it serves a useful function in bringing an independent approach to the problem of transport in this State, an approach that is governed not by political policy but by the Act itself.

I am loath to see political control, even though it may be given to a Minister. It may be claimed that a Minister is responsible to Parliament; that claim is often made but we who sit in Parliament know that this responsibility to Parliament is rather negative. Certainly, a Minister can be questioned in Parliament but, apart from that, Parliament has little control over his decisions if he is acting within the various relevant Acts. So, although at this stage, when we are at the end of, in many ways, a productive session of Parliament, I am loath to do so, I must vote against the Bill.

The Hon. A. F. KNEEBONE (Minister of Lands): A little while ago, when speaking on the South Australian Railways Commissioner's Act Amendment Bill, I remarked that honourable members seemed to be concerned about the Transport Control Board being under the control of the Minister. That is the present situation. I agree with the honourable member who has just sat down that at one time the Transport Control Board had a big job to do, and did it well. The actions of the Playford Government, prior to 1965, when various types of control over transport were lifted, took away most of the work that the Transport Control Board was set up to do.

It is a statutory body under the Road and Railway Transport Act, 1930-1971, controlled by a part-time board of three appointed by the Government for terms of three years. The chief full-time executive officer is the Secretary, who is administratively responsible to the Secretary of the Minister's department but controls and directs a small administrative unit in implementing the policy of the board. The board is autonomous but the Act provides for a triennial investigation into its operations and the administration of the Act.

Staff is appointed under the Public Service Act and payments for running expenses are appropriated from the Revenue Budget as part of the Department of the Minister of Roads and Transport. So all the administration comes under the Minister of Roads and Transport, who supplies the funds and the staff. Fees collected by the board are credited to the Revenue Budget. The board exercises control over passenger movement by road outside a 10-mile radius of the General Post Office in Adelaide and investigates uneconomic railway lines, making orders for their closure subject to the agreement of the Parliamentary Standing Committee on Public Works. The board cannot close railways unless that committee agrees. All it can do on its own initiative is to control passenger movement by road outside the 10-mile radius.

The board had 32 licensees operating 36 regular passenger route services in 1969, as well as 17 tourist permits and 442 permits of 12 months' currency. Prior to 1965, the board exercised a detailed control over the road carriage of goods for hire over controlled routes. This form of control was phased out between 1965 and 1968 because renewal of the licences was not permitted after 1964. The duties I have enumerated are part of the transport system, and if a Department of Transport is to be set up under a director-general, what sort of department will it be if the passenger service outside the 10-mile radius is to be kept separate? The board should be under the control of the Minister and a part of the new Department of Transport the Government is endeavouring to set up. I think what the Bill proposes to do is the logical and responsible thing, and I hope honourable members will agree with my point of view.

The Council divided on the second reading:

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

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

Majority of 10 for the Noes.

Second reading thus negatived.

APPRENTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 3337.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of the Bill, which is largely an administrative measure to give effect to the Government's policy, about which it made no secret when the Apprentices Act was introduced some years ago, that all apprentice training should be done in working hours or in the time of the employer. The Bill is precisely giving effect to that, so that it will eliminate the necessity for apprentices to attend technical colleges at night. It is rather regrettable that there appears to be some falling off in the general interest in apprenticeship training. We have reached the stage where employers do not like apprenticeships and the young people themselves are not very interested in them.

I have taken out some figures from official statistics showing that the number of people who entered into apprenticeships in South Australia in 1966 was 2,451; in 1967 it was 2,279; in 1968 it was 2,429; in 1969, the best year, 2,632; and in 1970 it had dropped back to just above the 1967 level, with only 2,300. That gives some backing to the statement I have just made that there is some disenchantment with the system as a whole. I do not think this augurs well for the future of South Australia or of industry generally, and the time is overdue for some constructive thinking about better systems of training people in technical skills. Some thought has been given to this matter in other areas. When I entered the legal profession as an articled clerk I had to serve for five years to get the necessary experience, but now an articled clerk has to serve for only one year. I do not suggest that what is suitable for professional training can be automatically applied to technical training, but it seems that sooner or later better means of training apprentices will have to be devised.

The establishment of the Apprenticeship Commission was a good move; when that was

done it was provided that some of the apprenticeship training had to be done at night. Now, however, we are seeing a movement away from that. This Bill will open the way for full day-time training in technical colleges. I imagine that some employers will not favour this move very much, but it is part of the new era in training. I believe that in future we may get round to having full-time training for apprentices for a limited period, with a reduced period of actual apprenticeship time. The Bill is purely administrative, and I support it.

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

HOUSING GRANTS ADMINISTRATION BILL

Adjourned debate on second reading.

(Continued from November 24. Page 3356.)

The Hon. C. M. HILL (Central No. 2): I support the Bill, which is a rather peculiar measure, because it provides machinery to deal with housing funds that the State Government hopes it will receive. In matters where grants are made by the Commonwealth Government, it is usual for agreement to be reached between the Governments in the first instance; the next step is for the Commonwealth Government to pass the necessary legislation, the final step being for the State Governments to ratify the legislation. In this case agreement has been reached, but the Commonwealth Parliament has not yet passed the legislation. So, the State Government has introduced this Bill on the understanding that the Commonwealth Parliament will pass the Bill that is now before it. The previous Commonwealth-State Housing Agreement expired on June 30 last; successive five-year agreements have operated since 1945.

In the previous agreement the Commonwealth provided money to the States at a concessional interest rate that was 1 per cent below the long-term Commonwealth bond rate; it was also a condition that at least 30 per cent of the funds nominated should be used through a Home Builders Account for persons wishing to buy houses. In the previous agreement it was further laid down that not more than 70 per cent of the funds nominated should go to the State housing authority (in our case, the South Australian Housing Trust) for the provision of rental and sale houses. It was a further condition that the benefit of the reduced interest rate should be passed on to tenants and prospective house owners.

In his second reading explanation the Minister said that, in its negotiations with the Commonwealth Government, the State Government stressed three features: a concessional interest rate greater than 1 per cent; a significant special contribution from the Commonwealth to rental rebates by the South Australian Housing Trust so that under-privileged people could be helped; and a significant Commonwealth provision toward capital costs arising from urban renewal.

The Minister has said that the Commonwealth's reply to the States' proposals has been, first, that a new arrangement has been agreed to by the States concerning the interest concession, in that there will be a special money grant towards the debt servicing of capital provisions regarding housing moneys for the next five years, and that the Commonwealth's proposal is an improvement on the previous 1 per cent rebate.

The Minister said, "This new arrangement will amount to significantly more than the old 1 per cent concession of interest." The Commonwealth Government should be given some credit for its attitude. The second proposal was met by the Commonwealth Government with special grants for rental rebates to the State housing authorities, and the Minister said that these grants "are a real advance". Again, the Commonwealth has been most generous in its treatment of the States.

In regard to the third matter of money for renewal of run-down housing areas, the Commonwealth has not yet seen fit to allocate money for that purpose. I can hardly blame the Commonwealth for being somewhat hesitant in granting moneys to this State for that purpose. The policy of a Government helping those who help themselves applies in this instance. I have vivid memories of the Government, when in Opposition, urging that renewal activity be developed in the Hackney area.

It was said that the Government of the day should renew that area. All that was required for a start to be made was $400,000. The previous Government did not have money for that purpose. However, when I see plans afoot to almost give real estate to the value of $1,000,000 to some hotel developer to construct a luxury hotel in order to help tourism, I cannot but wonder whether the Government has its priorities mixed and whether it should not consider some urban renewal scheme so that some of the old areas could be provided with better housing than exists at present. Perhaps the Commonwealth would consider more favourably any request for special grants for this purpose if

the States began some urban renewal from their own funds.

I thank the Minister for the detailed statistics that he has provided. Among the public there has been much discussion concerning the proportion of money that the Housing Trust obtains compared to the total Commonwealth allocation, the amount the private sector obtains through the Home Builders Account, and the position of building societies. In recent years this topic has been much discussed in business circles and among the public, so I thank the Minister for supplying the details. However, his figures indicate the degree of Socialism existing in our housing industry today. He said that Commonwealth money allocated to the Housing Trust was $10 a head of population compared to an average in the other States of just over $7 a head.

That indicates that in this State the public sector draws much more than it does in other States from the Commonwealth allocation whereas, if the balance could be changed, we would encourage an expansion in the private building sector and in private home building. I am not criticizing the trust, but I think such an expansion would provide a better variety of homes with a wider choice for purchasers. Probably the cost would be lower, too, and in many of our suburbs there would be a better environment for people. I thank the Government for its figures in regard to assistance being given to young people through the State Bank. According to the Minister, young people have to wait 13 months for a State Bank loan, but it is encouraging to realize that funds are being channelled through this source.

Building societies are not established in a big way in this State compared to their establishment in other States, but they provide a worthwhile service to the people and a splendid service to their clients. I hope that the Government will be able to allocate more money in future to building societies than it has been able to allocate in the past.

The Bill is a necessary measure, because it seems that the Commonwealth Government will undoubtedly pass its legislation, and when that is done it will be necessary for this State to have this legislation on its Statute Book. I thank the Commonwealth Government for the manner in which it has considered the requests of the States and for the generous grants that it has made for the new current five-year period. I support the Bill.

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

INDUSTRIAL CODE AMENDMENT BILL (COMMISSIONERS)

Adjourned debate on second reading.

(Continued from November 24. Page 3338.)

The Hon. F. J. POTTER (Central No. 2): The Bill deals with two quite unrelated matters: first, with the constitution of the Industrial Commission and, secondly, with the registration of associations. Dealing with the second matter first, I understand only too well how important this amendment must be, as I believe there is some threat of the deregistration of existing unions and organizations that have enjoyed registration in the commission for some time. Honourable members would realize that this matter was dealt with last year, when section 135 of the principal Act was amended. I pointed out then the difficulties involved in relation to this section. It was stated then (and the same situation still obtains) that there is no reciprocity between the State Industrial Commission and the Commonwealth Conciliation and Arbitration Commission.

By the amendment passed last year, Parliament permitted the registration in the State jurisdiction of associations that might have Commonwealth members. However, there is no reciprocity in the reverse situation; an association cannot obtain registration in the Commonwealth jurisdiction if it happens to have State members. This aspect, having been pointed out, was debated. It seems that the amendment passed last year was not sufficiently effective and that something more was required. Additional words are therefore being added to make it perfectly clear what was intended, and that, if at any time in the past and in the future an association has been or will be covered by the Commonwealth instrumentality, that association will be able to be, and is deemed always to have been, validly registered in the State Industrial Commission. I support this move, which is not in any way objectionable. The Bill is retrospective in character. Many of the members of this Chamber would say that legislation should not be retrospective. However, by its very nature this matter must be made retrospective in order to solve the problem that has arisen.

The Hon. R. C. DeGaris: Can you have it going forward?

The Hon. F. J. POTTER: There is no doubt that this legislation does go forward. Every piece of legislation that is passed looks to the future, although this legislation applies retrospectively for many years. The first

matter to which I referred deals, first, with the Government's intention to add two additional commissioners to the staff of the Industrial Commission and, secondly, with the consequential amendments thereto. I am somewhat cool towards this proposal. Honourable members will recall that the Industrial Commission was constituted a few years ago (I think in 1967) when it was provided for the first time that commissioners should be appointed in addition to the President and Deputy President of the court, who carried on the work of the court in this State with the assistance of a series of wages boards, which were dispensed with at the same time.

The Act provided then that there would be two new commissioners in addition to the two presidential members of the commission. Section 23 (8) provided that one commissioner was to be a person experienced in industrial affairs by reason of having been associated with the interests of employers, and the other commissioner was to be a person experienced in industrial affairs by reason of having been associated with trade unions. By this means, an attempt was made to obtain what was considered to be a balance between, perhaps, opposing interests. I do not know that that is necessarily the right concept to have in mind when appointing commissioners to the Industrial Commission. These commissioners are being appointed to act in what is in many respects a *quasi* judicial capacity. Sometimes, they exercise certain conciliatory functions, and perhaps we will see them performing that kind of function more in the future. I do not think it is a good approach always to think in terms of appointing persons from opposing sides in industrial affairs. Indeed, I think it is wrong to make this kind of approach, because people appointed to the *quasi* judicial office of commissioner ought, in my view, to be the best people available for the job, and anyone with much experience in industrial affairs would be useful in this respect. These people ought to be intelligent and unbiased.

What I deplore in this amendment is that this system is being perpetuated. The Government has said (indeed, the Minister said so in his second reading explanation) that the volume of the commission's work has increased so much that extra commissioners are needed. I have some doubts whether or not the commission's work has increased so much at present that it needs two more commissioners. This morning I took the trouble to extract a few figures regarding this matter, and I have compared this State with Western Australia and Queensland. Those are the only two States with which legitimate comparisons can be made, because Victoria and Tasmania still follow the old wages board system, which South Australia discarded when the commissioners were first appointed. One cannot therefore compare South Australia's situation with that of Victoria, and New South Wales does not have any commissioners at all; it has a wholly judicial set-up. Therefore, one can compare South Australia only with Western Australia and Queensland, which have commissioners in their courts. If one looks at the latest quarterly summary of Commonwealth statistics, one will see that 408,000 persons were engaged in civilian employment in this State. The corresponding figure in Western Australia was 343,800 and in Queensland 572,600 people were so employed. If we refer to the last Labour Report, No. 54, in which percentages are shown of those people who were in civilian employment covered by State awards as opposed to Commonwealth awards (do not let us forget that our State Commission is concerned only with people covered by State awards) we see this surprising position.

In Queensland there were 572,600 people in the work force, and 65.9 per cent of that work force was covered by State awards; in Western Australia the figure was 343,800, 72.1 per cent being covered by State awards. In South Australia the figure was 408,000 people, but only 37.1 per cent of that work force is covered by State awards. Queensland has only five commissioners, for nearly 70 per cent of the work force. Western Australia has only five commissioners, for 72.1 per cent of its work force, and we are now proposing to have six people in our commission, if this Bill is implemented. Those people will comprise two presidential members and four commissioners, to cover a State where only 37.1 per cent of the work force is covered by State awards. These commissioners are not cheap; the salary is $14,000 a year each, and then there is the additional office space and secretarial assistance that must be provided for them. I do not want to set myself up as any authority on what the courts should or should not do, but the figures I have given speak for themselves.

If, as the Government says, the work volume has so greatly increased that we need additional members of the court, why should we have this ridiculous situation where appointments cannot be made unless they are made in twos?

Nowhere else in the world does such a system operate, that every time an increase is made in the number of commissioners it must be made in twos to preserve this system of balance between the interest of the employers and the interest of the employees. I question very much this provision in the Bill.

The Hon. L. R. Hart: It is a bit like stocking Noah's Ark.

The Hon. F. J. POTTER: I thank the honourable member for that. That is an exact analogy: we must appoint them in twos and they must come in these balanced pairs.

The Hon. R. C. DeGaris: Does the honourable member's interjection mean that they will breed?

The Hon. F. J. POTTER: It seems to me that in the Public Service of this State today there is a lot of breeding going on. The number of people appointed to the various positions seems to be always increasing. But I question very much the need for this system of appointments in pairs, which I think is quite wrong. If we wanted increases in the number of our commissioners from time to time (and I suppose fundamentally it is always for the Government to decide whether or not an increase is justified) the proper thing to do would be to appoint one more commissioner at a time; and I doubt at this point of time whether anything more than an additional commissioner would be required.

The Hon. R. C. DeGaris: The figures seem to indicate that no commissioner is required.

The Hon. F. J. POTTER: That may be nearer the mark, but the position is that the Minister says these appointments are required; he says there has been a considerable increase in the work of the commission in one way or another. I do not think workmen's compensation matters have increased the work of the members of the commission on the industrial side, because that jurisdiction is being exercised by a Deputy President specially appointed for the purpose. That system seems to be working well.

That is the position as I see it. All that is necessary to follow the system that every other State and the Commonwealth use is that, if we need an additional commissioner, we appoint him. We should not have to worry whether or not it should be done in twos. Consequently, I question very much the perpetuation of this system which was inaugurated when the first two commissioners were appointed. In retrospect, I do not think we were wrong in allowing it to be done in the first place. We had to have two commissioners to start with (that was fair enough) one coming from one side and one from the other. That was necessary at the beginning, but we do not have to perpetuate it. It is obvious to me that at any point of time the work of the tribunal will not suddenly double overnight. The Government in its avowed policy will set up something here that will last for many years.

The appointment of two commissioners is premature and wasteful of money. What I do not like about it is that we in this Council are being asked to give legislative approval to this proposition. If the Government accepts the responsibility administratively, well and good: it has to face the criticisms, if any, that will arise of the expenditure of funds in this way.

The Hon. D. H. L. Banfield: Could one commissioner be appointed under the present Act?

The Hon. F. J. POTTER: The Government needs the authority of this Bill to appoint additional commissioners. I am not questioning the right to appoint additional commissioners.

The Hon. D. H. L. Banfield: But you said the Government should appoint one more. It cannot under the present Act, can it?

The Hon. F. J. POTTER: Clause 3 (*b*) provides:

> (8) The Governor shall so exercise his powers of appointment under subsection (6) of this section to ensure that (*a*) there shall be an even number of commissioners.

I think it is unnecessary that each person appointed should represent either the interests of the employers or the interests of the persons engaged in trade union affairs. That explains fairly fully what I meant when I said I was rather cool to the way in which the Government has drawn this legislation. It would have been better if the paragraph perpetuating the initial system had been eliminated from clause 3 of the Bill. In other jurisdictions, in the Supreme Court and in the Local and District Criminal Courts, the Government appoints extra judges as necessary from time to time, but these people are not appointed in twos and it is quite ridiculous and quite wrong in principle that this situation should apply in the Industrial Commission. I support the Bill, and perhaps the Minister, either in reply or in the Committee stage, could give some assurance on the need for these additional appointments and whether this system of appointments in twos should be perpetuated. Under the terms of the Bill it appears that it will go on for ever.

The Hon. C. M. HILL (Central No. 2): Perhaps the Minister could say whether the recommendations embodied in the Bill regarding the appointment of two further commissioners are made by the Public Service Commissioner or the Public Service Board?

The Hon. A. F. Kneebone: No.

The Hon. F. J. Potter: It is a Government appointment.

The Hon. C. M. HILL: If there is no such check, what sort of investigation or time study is carried out to ascertain the real need for two further appointments? The case put forward by the Hon. Mr. Potter makes the position abundantly clear. This legislation could lead to wasteful expenditure at this time. The statistics he quoted of the comparable position interstate highlight the fact that there should not be a need for these two appointments at the moment. I understand the salary is $14,000 for each commissioner, and there is always subsidiary staff to go with appointees in this salary bracket. It is proper, therefore, that we should ask ourselves whether or not there is some waste of money involved in this proposal.

I am not criticizing the gentlemen who are on the bench of the Industrial Court, but we have a clear duty to ascertain whether the need for the appointments does exist, as the Government believes it does, and whether there is a need in accordance with the opinion of the Government as conveyed in the Minister's second reading explanation. I referred to the Public Service Board, because from past experience when very senior appointments are being considered I know it is possible for a check to be made by the board, and this assists those in the Legislature in making up their minds whether the need does exist. This matter should be looked at very carefully.

The Hon. A. F. KNEEBONE (Minister of Lands): When I go back through the years during which I was Minister of Labour and Industry, I remember hearing this sort of argument then. I introduced the present system of administration of the Industrial Court. At that time Judge Williams was President, and although there was provision for a Deputy President we did not have one. When it was proposed to appoint judges and commissioners, the argument was, "Why do you want to do this? You do not need two. There is no need. We have been carrying on up till now." At that time the President was overloaded with work and we came up with the system of selecting one appointee from one side of industry and one from the other. This has worked very well up to the present time. It seems a good system, and I believe in it.

As I said in the second reading explanation, the present appointees are overloaded with work. Many of the disputes that have occurred in recent times have taken a great deal of sorting out and much persuasion on the part of the present Minister of Labour and Industry. He has spent much of his time with various people in trying to resolve industrial disputes and he has been up until all hours of the night trying to get people to take a reasonable point of view. Many of these disputes have been caused by the delays that have occurred in the Industrial Court and the Industrial Commission in South Australia. The stage was reached where people who wanted to get their cases before the tribunal pulled their members out of work and as a result were able to get before the tribunal, while reasonable and responsible trade union leaders were left sitting back, trying to stop their people from taking similar direct action because some more militant fellows, having pulled out their members, had managed to get their cases before the commission as quickly as possible.

Members of this Council and members in another place were asking what the Minister of Labour and Industry was doing to stop the disputes that were going on as a result of the excessive workload of the people on the commission. I think this is a wise provision. People may say the cost is too high, but it is a wise step in the interests of industrial relations to appoint one person from each side. The Hon. Mr. Potter has said this is not done in other areas. It is done in the case of the Commonwealth Industrial Court.

The Hon. F. J. Potter: Not at the one time.

The Hon. A. F. KNEEBONE: No, but they keep appointing people to the bench.

The Hon. F. J. Potter: One at a time.

The Hon. A. F. KNEEBONE: Not very far apart, though. They are almost Siamese twins, according to the dates of their appointments. I have had mates who have been appointed, and I suppose other honourable members have, also. I know of one fellow who thinks he is in line for appointment and he says, "There is a man from the employers' side being appointed and my turn will not be long now." His appointment will not be at exactly the same time but it will be pretty close. I know this sort of thing does happen. Whether it is right or not, I do not know. How can one pick

out independent men? They cannot be picked out even in the political scene.

The Hon. D. H. L. Banfield: We are all independents up here.

The Hon. A. F. KNEEBONE: That is what we are told. How can one pick out a man with no leaning to either side? Joking aside, I think this is a good Bill.

The Hon. A. J. Shard: So do I.

The Hon. A. F. KNEEBONE: I ask honourable members to pass it, because I think it is necessary. Many industrial disputes have resulted from delays in the commission. This has happened previously in the Commonwealth sphere, but the backlog there seems to have been caught up. That is not the case in South Australia, and I ask honourable members to support the Bill.

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

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 3335.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Government has said that it will introduce a comprehensive Bill dealing with several licensing matters during the continuation of this session in 1972.

The Hon. A. J. Shard: That Bill will be introduced next year.

The Hon. C. M. Hill: There was something about future plans in the newspaper.

The ACTING PRESIDENT (Sir Arthur Rymill): Order! Honourable members must cease interjecting.

The Hon. R. C. DeGARIS: As a result of a judicial interpretation, the licensing laws do not permit a company to hold more than one liquor licence. Because of the difficulties that have resulted from that judicial interpretation, the Government has decided to relax the restriction on a company holding multiple licences. Another amendment effected by the Bill relates to the constitution of the Licensing Court. The Bill provides for a statutory office of Deputy Chairman of the court, the Deputy Chairman being made responsible to Parliament in the same way as the Chairman.

The Bill provides for special licences that will be subject to the control of the court but will be flexible; such special licences will be used in connection with the Adelaide Festival of Arts. It will be possible for liquor to be provided at certain functions, and we may even see a move toward having special licences for outdoor cafes—boulevard licences. I see no reason to object to any of those provisions. As the Chief Secretary said, a further amending Bill will be introduced next year, when we can fully consider other aspects of licensing.

I had intended to move that it be an instruction to the Committee of the Council to consider a new clause. I shall mention now the matter that I had in mind, in the hope that the Government will do something about it later. Section 22 (2) of the principal Act deals with applications for licences for specialized purposes. I have in mind the case of the proprietor of a wine museum, housed in a nice building, in an area with a population of 10,000 or 12,000; that proprietor could not get a licence because it was held that the public demand for liquor was already satisfied by a hotel in the area. The wine museum is a tourist attraction not only in connection with the area concerned but in connection with the whole State. I hope the Government will consider this matter when preparing a further Bill to amend the principal Act. I shall be pleased to supply further information on the case to the Chief Secretary. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): The Government intends to introduce a further amending Bill next year. I assure the Leader that the matter he has raised will be brought to the attention of the Attorney-General. I suggest that, if the Attorney-General does not already know about the matter, the Leader should discuss it with him, rather than leave it until we next meet.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 3339.)

The Hon. F. J. POTTER (Central No. 2): I support the Bill, which could be fairly described as a lawyer's procedural Bill. It has been introduced as a result of possible difficulties that could arise concerning the registration of agreements and the carry-over from the old Act to the new one. There does not seem to be any difficulty about proceedings commenced under the old Act but not completed, but there seemed to be doubts about proceedings that could have been commenced under the old Act but which were not commenced by the time the new Act came into force. This Bill seems to cover every possible eventuality, and to resolve any possible doubts that may arise.

The Hon. C. M. HILL (Central No. 2): I support the second reading in order to get the Bill into Committee. I am worried, because the Government is legislating so that in future the prepared and filed settlement agreements must be drawn up and lodged by a solicitor, whereas in the past that has not been the case. I understand that about 800 of these agreements are filed each year, of which 50 per cent to 60 per cent have been lodged by people other than lawyers. This change should be considered carefully, hence the amendment I have placed on file.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3a—"Representation."

The Hon. C. M. HILL: I move to insert the following new clause:

3a. Section 25 of the principal Act is amended—

(*a*) by inserting after the figures "25" the symbols and figure "(1)";

and

(*b*) by inserting at the end thereof the following subsection:

(2) Nothing in this Act shall be read or construed as preventing a person not being a legal practitioner, as defined in the Legal Practitioners Act, 1936, as amended, from—

(*a*) preparing, or lodging for registration, any agreement referred to in section 35 of this Act; or

(*b*) preparing, or lodging for recording, a memorandum of agreement pursuant to the repealed Act.

To my knowledge the long-standing practice of insurers preparing and lodging agreements has been followed in all uncomplicated cases, but where the issue is complicated the agreement has always been prepared and lodged by a solicitor. The mandatory use of legal practitioners must add to costs, which will flow to insurers and then to commerce and industry. This situation should be avoided if possible. I believe it is not unreasonable to expect the Government to allow the previous practice to continue.

The Hon. A. F. KNEEBONE (Minister of Lands): I regret that the Government must oppose this amendment, as it is just as important that proper legal representation be available to parties in this jurisdiction as it is in any other jurisdiction and, to the extent that the amendment opens the door to representation by persons who are not legally qualified, it is inconsistent with the Government's policy.

The Committee divided on the new clause:

Ayes (11)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), H. K. Kemp, E. K. Russack, C. R. Story, and A. M. Whyte.

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

Majority of 5 for the Ayes.

New clause thus inserted.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

I strongly opposed this amendment when it was moved originally, because the Government believes that it is just as important to have legal representation in this jurisdiction as it is in other jurisdictions. It seems to me that it should not be necessary to have a conference on this matter, and I suggest that this Chamber does not insist on its amendment.

The Hon. C. M. HILL: I oppose the motion, and I should like to know the reason for the Government's channelling this huge amount of business to professional people, although most of it has been done previously by assessors and insurance companies at little cost to the community. We have often heard accusations in this Chamber by members of the Labor Government that the Opposition represents, or is connected in some way with, big interests. We heard it again today concerning the secondhand vehicles legislation, but in a situation where 50 per cent to 60 per cent of 800 agreements a year have been prepared inexpensively, efficiently, and quickly by people outside the legal profession, the Government now says, "We lay down the policy that all this business must now be given to the legal profession." There seems to be something ironical in the Labor Party holding out to the public that the Opposition represents big and professional interests, whereas its own stated policy is to give all this business to the legal profession.

The Hon. A. F. Kneebone: We want to be sure that the proper thing is done.

The Hon. C. M. HILL: I am interested to hear the Government's defence: if the Minister denies that that is the Government's policy, he will have an argument with Ministers in another place.

The Hon. A. F. Kneebone: We want to protect the injured.

The Hon. C. M. HILL: It is the Government's policy to channel this business into the hands of professional people.

The Hon. A. F. Kneebone: You must be kidding!

The Hon. C. M. HILL: I am not. The Minister said a few hours ago in this Chamber that it was the Government's policy to give this business to the legal profession.

The Hon. A. F. Kneebone: They weren't my words.

The Hon. C. M. HILL: What were they? The Minister's explanation to this Chamber when the amendment was carried was simply that this was the Government's policy.

The Hon. A. F. Kneebone: That's right.

The Hon. C. M. HILL: We are on common ground. It is the policy of the Government to give this business to the legal profession. About 50 per cent to 60 per cent of 800 agreements filed each year is not handled by the legal profession: that would be about 400 to 500 agreements and legal fees would average about $15 for each transaction.

The Hon. A. F. Kneebone: What do the insurance companies get out of it?

The Hon. C. M. HILL: They do not get anything out of it.

The Hon. D. H. L. Banfield: They rob them.

The Hon. C. M. HILL: Government members do not think twice when they get into the camp of big operators, yet the irony is that they go to the public and say that the Opposition looks after the big interests. A few years ago I wanted to allow the worker in the Railways Department to buy a bottle of beer at the tavern on the concourse of the railway station. What happened? The Strathmore Hotel interests got hold of the Labor Party and, in another place, they wiped out that provision. Labor Party members claim they represent the man in the bar, but they do not really represent him at all. They represent the owner of the hotel, and they really put it over the man in the bar. Honourable members opposite should not try to kid me on this matter. I am sick and tired of being put in the camp of the big man by these hypocrites, who say, "We are going to see that the legal profession gets all this business." Honourable members know who say this: the powers that be down below say it.

The CHAIRMAN: Order! If the honourable member addressed the Chair, there would be no need for him to point across the Chamber.

The Hon. C. M. HILL: The Government has come back to this Chamber and has said it will not accept this amendment, which merely provides that assessors and life assurance companies ought to be able, for the purposes of expedition and in the interests of many little people, to continue with the previous policy of lodging workmen's compensation agreements with the court. This Chamber merely intended to help people who wanted to have their claims cleared up satisfactorily and quickly.

This Chamber simply wanted to continue the previous practice; it did not want to widen the field of activity or change it. Honourable members of this Chamber saw the Labor Government suddenly introduce a measure which said that, despite the fact that 50 per cent to 60 per cent of 800 agreements were prepared quickly and inexpensively by assessors, all this business would have to go through the legal profession. That is what the Labor Government, a Government which is reported in the press as lining up the Opposition, which, it says, is a part of big business, is doing. I ask the Government to look at its own conscience. What is it doing at present?

The Hon. A. J. Shard: A lot of good for South Australia.

The Hon. C. M. HILL: It is channelling business into the hands of the legal profession.

The Hon. T. M. Casey: There must be a reason.

The Hon. C. M. HILL: Of course there is: there are a couple of strong men in the Government in another place.

The Hon. T. M. Casey: That's your reason; it isn't the real reason.

The Hon. C. M. HILL: I have asked the Government why it is giving this business to professional people, and I have received an answer. If the Government did not truthfully state its policy, then it stands condemned. Surely this matter has gone too far. As I said previously, it has always been customary for insurers and assessors to lodge agreements that relate to a simple injury. We are dealing only with simple matters and with the workers, who in the past have looked to

their genuine and sincere Labor Party for help. However, things have changed.

The Hon. T. M. Casey: I think the honourable member is talking with his tongue in his cheek.

The Hon. C. M. HILL: However, those people cannot look to the Labor Party any more, because it is now telling them that these matters must go through solicitors. Big fees are going to be involved.

The Hon. A. J. Shard: During my 25 years as a trade union secretary, I always sent persons involved in workmen's compensation matters to solicitors.

The Hon. C. M. HILL: If that is so, why is it that 50 per cent to 60 per cent of these agreements are lodged by people other than solicitors? Apparently, those people did not take much notice of you.

The Hon. A. F. Kneebone: That's because they were got at first. I can tell you about that when I get a chance.

The Hon. C. M. HILL: I am only expressing my view. It seems strange to me that the Labor Party, the Party which supposedly represents the workers, has suddenly decided to put this business through the big man. Members of the Government ought to hang their heads in shame.

The Hon. T. M. Casey: Who is the big man?

The Hon. C. M. HILL: The Minister of Agriculture ought to keep out of this matter, because he is not a worker.

The Hon. T. M. Casey: Isn't he! He has worked all his life, as have other farmers like him.

The Hon. C. M. HILL: It seems wrong to me that the previous practice, which has been followed for many years and which has enabled these matters to be dealt with quickly by insurers, should now have to cease because the Labor Government is saying that henceforth these matters will be handled by solicitors. I am not criticizing the legal profession, but all honourable members know that, when a solicitor is given instructions, he cannot always attend to the matter quickly. He has his every-day work to do, and priorities must take their place. I accuse the Government of complete insincerity because, if it really wanted to help the workers to have their claims dealt with expeditiously and inexpensively, it would agree to the amendment. However, if the Government wants to bow to the solicitors in its ranks, it will proceed with its present policy.

The Hon. D. H. L. Banfield: Rubbish!

The Hon. C. M. HILL: How on earth the representatives of the workers can stand up to this, I do not know. The other matter to which I should like to refer is that of costs. The mandatory use of a legal practitioner for the preparation and lodging of agreements must add considerably to costs, and who will pay these costs? Of course, the insurer will. And what happens when he pays? He will have to increase his premium and, when that happens, the cost to commerce and industry will also rise.

Increasing costs do not worry this Government, under which taxation has increased by 26 per cent. Indeed, the cost of administering the Premier's Department has risen by 92 per cent this financial year. I realize that increased costs are like water off a duck's back to the Government, because it has not got the slightest idea of what it really means. I want to tell the Government that anything that can be done to avoid increasing costs to commerce and industry in this State will be done if there is a responsible Government in office; but it seems there is not.

It appears that cost does not worry the Government. It is running true to form—borrow, boom and bust, operating in the traditional ways of the 1920's. Increased cost did not worry the Government this afternoon. In fact, it wanted to appoint not one new commissioner to the Industrial Commission but a pair of commissioners, for good measure.

There is nothing like doing things one at a time, but the Government wanted two commissioners at $14,000 a *time*. Legislation went through today to have two commissioners appointed at a time. I know I cannot appeal to the Government on the matter of cost but, if it sends these 800 applications to solicitors by legislation, it will increase costs, which will create serious problems not only for commerce and industry but also for every section of the community, down to the little people whom members opposite say they represent.

The Hon. A. J. Shard: We truly do represent them.

The Hon. C. M. HILL: If that is so, why send these applications to solicitors? I gave the Minister a chance to say why, and the only reason he gave was (and the Minister confirmed it a few minutes ago by a typical reply that is made when the true power shows up in any political Party), "This is our policy." With the numbers in another

place, the Government can talk like this but I hope the message gets out to the man in the street. I hope the men outside, who have been looking in the past but will not look in the future to that Party for assistance, guidance and some kind of leadership, will get the message that that Party is not a Party for the workers: it is a Party for the big and professional men. I hope the Government suffers as a result of its ridiculous attitude to this matter. I strongly oppose the motion.

The Hon. A. F. KNEEBONE: That is about the biggest lot of nonsense I have heard spoken in this Chamber since I have been here. We notice by the honourable member's attitude that he has been stung by the fact that this Bill will take away from them some of the work that is now done by insurance companies. I have never heard any honourable member stand up here and speak out on behalf of big business as the honourable member has just done—and he accuses us of representing big business! I was in the trade union movement for a long time and I have been in close touch with the worker, but the honourable member would not touch a worker with a 40ft. pole. That is the closest he would ever get to a worker. The experience I have had in the trade union movement is that the insurance assessors and the people employed by the insurance companies try to race the trade union representative to the injured worker to get him to sign an agreement, signing away his rights to compensation before the trade union representative or anyone else can get to him.

Most responsible trade union leaders take these matters to the legal fraternity because they believe the legal fraternity has the skill and the knowhow to enable the worker to obtain his rights. The honourable member was approached by insurance interests; it is the insurance people, not the worker, that he is supporting. No-one can tell me that the insurance companies are out to assist the worker; I would not believe him. No-one can impress on me that sort of argument. In my experience of the trade union movement, I have found that many workers have signed away their rights, not knowing what they were doing, as a result of suggestions put to them by insurance companies and their assessors. The honourable member says we do not support the workers. He supports big business; everyone knows he supports big business. We have known that ever since he came to this place.

He stings me into response on these matters by his snide references to the Labor Party, which has always represented the worker. He points to our Party and says that it supports big business. Our Party has a policy, which is more than his has and, even if he attends a meeting that lays down a kind of policy, he then says, "We do not have to abide by our policy. We have a policy but we do not have to support it. We can vote how we like." We at least have a policy and we support it. I ask honourable members of this Chamber not to insist on the amendment.

The Hon. D. H. L. BANFIELD: When we see the Hon. Mr. Hill getting up and saying that this amendment that he wants to make to the Bill is in the interests of the worker and that he is the one who is looking after the interests of the worker, it is then that we must have a fair dinkum look at it. We now see the big difference between this Council and the other place. The Hon. Mr. Hill was stunned by the remarks of the Leader of the Opposition in another place when he said, "Let us get away from the image that has been attached to us that we represent big business. Let us get out and show that we are connected with the worker, that we are the only ones who look after the worker." He attempts to say that the Labor Party does not look after the worker when he knows perfectly well that the Labor Party is the only Party that can and attempts to look after the worker.

Which is the big interest in this case that he is looking after? Is it the professional man or the insurance company that he is looking after? Was there a deputation from the Trades Hall that waited upon the Hon. Mr. Hill asking him to submit his amendment? Of course there was not a deputation from the Trades Hall that asked him to propose the amendment; it was a deputation from the insurance companies. Why did they do that? Simply because they knew that, if the legal profession had to prepare an agreement for settlement, the worker would be protected, the worker would get good sound advice and the insurance assessors would not be able to say to him, "We will give you $80 and that is a very good settlement", when he was entitled to a much better settlement than that.

The Hon. F. J. Potter: Fair go!

The Hon. D. H. L. BANFIELD: I am telling you of experiences in the trade union movement. Agreements have been drawn up where a worker has been told, "You will get only $15 for the little injury you have suffered"; and, when the trade union representative has

taken it to the legal profession, it has come out with more than double the amount of compensation that the insurance company was ready to pay.

The Hon. F. J. Potter: But the court protects the worker.

The Hon. D. H. L. BANFIELD: It does not protect the worker when there is an agreement of this sort. The Hon. Mr. Hill knows perfectly well that it is the insurance companies that are pushing for this amendment, because they believe that, if the legal profession gets its hands on every agreement, possibly the situation will be looked into and the worker will be fully protected, which is the last thing the Hon. Mr. Hill wants. He wants no protection for the worker. He has tried to misrepresent the position here this evening. We are the Party that believes the worker should be looked after, and we shall see that the worker gets looked after. With the legal profession on our side, we know that the worker will be looked after and that the insurance companies will have to pay the correct amount owing to an injured worker.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am afraid I cannot match the cold logic of the previous speaker! I can only rely on emotion! We have touched on a number of matters in this debate, which I remind the Council deals with disagreement by the House of Assembly to an amendment made by this Council. If I recall, it deals with the fact that agreements may be made without the assistance of a lawyer. In the course of the debate we have touched on the tow-truck legislation, the people waiting to get to the worker ahead of everyone else, and the Criminal Code, and we have heard comments about taking away the right of the worker to a beer at the railway station.

One rather strange thing is that suddenly this Council, which usually has a rather clinical approach to matters of this kind, has gone the other way. I do not know how the cartoonists will portray us from now on. I agree with the Hon. Mr. Hill's basic philosophy. I think it is reasonable that a person should have the right, if he so desires, not to use the services of a lawyer to draw up a document of this type. However, the Government appears insistent on this matter, and I do not think really it is a matter of great moment. It comes down to a possible payment to the legal profession of $7,000 or $8,000 a year, and while I support the principle the Hon. Mr. Hill has tried to put in the Bill, the House of Assembly has insisted that it should be this way, and on this matter, which I do not think is very important, I will support the Government.

The Hon. A. J. SHARD (Chief Secretary): I have only one objective in rising to speak, and that is to bring this matter back to its proper basis. I have had many years of experience in the trade union movement. I was secretary of a union for many years, and I was a bread carter. At some time in the future a book will probably say that I am ashamed to admit it, but I have never been ashamed of it; I am proud of it. Everything I have got out of life I have got from being a bread carter. A book that has recently been published says that I am ashamed to say that today.

The Hon. C. M. Hill: Don't believe everything you read in the book.

The Hon. A. J. SHARD: I was a bread carter and from there I played on because I thought we were not getting a fair deal.

The Hon. Sir Arthur Rymill: It is the staff of life.

The Hon. A. J. SHARD: It was the staff of my life, and I finished well as a bread carter despite what those using nom-de-plumes say, which is untrue. I became a trade union secretary because I did not think we got a fair go from the employers. From my activities two Supreme Court cases resulted. The first was the case of *Allen v. Ellis*. That is what brought my brother and me into the trade union movement. I became secretary on a full-time basis in 1936 after I got the sack as a bread carter because of my activities in the trade union movement—and I am proud of that. From that day I have always had a solicitor to look after the rights of my members to workmen's compensation. It is nothing new.

The Hon. A. F. Kneebone: It has always been your policy.

The Hon. A. J. SHARD: That is so. I did not wait for someone to tell me what to do; I used common sense. The second Supreme Court case I was instrumental in bringing about, although not in connection with bread carters, was when I won a case in 1938 or 1939, the year of the big heat wave. One of my bread carters died of sunstroke on the job and I went to a great friend and respected solicitor in town and put my point of view. I argued that it was the result of his work, because he was working in the sun, and therefore he was entitled to compensation. My learned friend

Sir Arthur will tell me if I am using the phrase correctly. We settled that day for $1,200 full compensation without prejudice. Is that the correct phrase?

The Hon. Sir Arthur Rymill: I am only sorry you didn't come to me.

The Hon. A. J. SHARD: A secretary of another trade union asked me what I was doing to win a case like this. I told him the facts. Our little union was in the red. We did not have the money to fight the case. To the woman who got $1,200 in 1938 or 1939 it was a great deal of money. I did not blame her for accepting it. Another union took up the matter through a solicitor and got the full amount of $1,800.

The Hon. D. H. L. Banfield: The insurance company made $600 on the first one.

The Hon. A. J. SHARD: I am not worrying about that. We were happy. No insurance company and no-one else would have agreed to that. I do not want to be told at my stage of life that someone in another place, because of their heavyweight solicitors, has made this policy for me. I have had this policy since 1936. In the case of a complicated matter of workmen's compensation, the union did not mind paying a solicitor. My advice ever since has been along those lines. At one time I was regarded as an authority on workmen's compensation, but a man grows old and rusty. My advice to the trade unions and to people who come to me, if there are complications in a compensation case, is still to go to a solicitor, because it pays. Do not let us kid ourselves. The solicitor will get the best for his client, and that is why we do it. I do not want to be told that we are adopting this policy because of a few heavyweight solicitors in another place. That is my record and I stand on it. I believe it is right and I believe it is in the interests of the people I represent, and that is why I support the Minister.

Motion carried.

VALUATION OF LAND BILL

In Committee.

(Continued from November 23. Page 3259.)

Clause 5—"Interpretation."

The Hon. C. M. HILL: I move:

In subclause (1) (*c*) before "machinery" first occurring to insert "prescribed"; and to strike out "used for the purposes of a mill or manufactory, or any public utility or undertaking for or relating to the supply of electricity, gas or water or the provision of sewerage".

The purpose of the amendments is to allow a depreciation allowance as well as the normal 25 per cent for outgoings to be deducted from the calculations for annual assessed values.

The Hon. A. J. SHARD (Chief Secretary): The Government accepts the amendments.

Amendments carried; clause as amended passed.

Clause 6—"Valuer-General and Deputy Valuer-General."

The Hon. C. M. HILL: I move to insert the following new subclause:

(4) A person appointed Valuer-General, or a deputy Valuer-General, under this section must be a person who is qualified for membership of the Commonwealth Institute of Valuers Incorporated.

This matter deals with the need for a person holding either of these high offices to be qualified in the profession of valuing.

The Hon. A. J. SHARD: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clauses 7 to 16 passed.

Clause 17—"Valuation for departments, etc."

The Hon. C. M. HILL: I move:

In subclause (4) to strike out "The" and insert "Where the Valuer-General has valued any land in pursuance of a request under subsection (1) of this section, the"; and to strike out "any" and insert "the".

These amendments are self-explanatory.

The Hon. A. J. SHARD: The Government does not think these amendments are necessary but, to make sure that we are all happy, it accepts them.

Amendments carried; clause as amended passed.

Clauses 18 to 23 passed.

Clause 24—"Objections to valuation."

The Hon. C. M. HILL: I move:

To strike out "shall be in the prescribed form and".

I think this amendment, too, is self-explanatory.

The Hon. A. J. SHARD: This amendment removes the requirement that an objection should be in the prescribed form. This requirement was inserted for convenience of administration, but its deletion does not detract substantially from the provisions of the Bill. Therefore, I accept the amendment.

Amendment carried.

The Hon. M. B. CAMERON: I move to insert the following new subclause:

(2) Where an objection is made pursuant to subsection (1) of this section, the Valuer-General shall supply the objector with details of the basis upon which the valuation was made.

I think the amendment is self-explanatory.

The Hon. A. J. SHARD: I regret that I cannot agree with the honourable member. This amendment is not desirable. The Bill already sets out in the various definitions of annual value, capital value, unimproved value and site value the basis upon which a valuation is to be made. In fact, the Chief Government Valuer at present has an informal discussion with every objector as to the manner in which a valuation is determined. This is felt to be much more satisfactory than the supply of written details, for it enables specific questions and problems that the objector may have to be dealt with properly. No complaint has been made about the present procedure. I assure honourable members that it will continue. The amendment is rejected because it will complicate and overburden the administrative work of the Valuation Department. I ask the Committee not to accept the amendment.

Amendment negatived; clause as amended passed.

Clause 25 passed.

Clause 26—"Access to land, etc."

The Hon. M. B. CAMERON: I move to insert the following new subclause:

(1a) Where the Valuer-General or any other person proposes to enter upon land in pursuance of subsection (1) of this section, he shall, at least seven days before entry, serve notice of his intention to enter the land upon the occupier of the land.

This amendment is important. I have from time to time felt there are too many departments with the power to enter upon land without giving prior notice. As I said in my second reading speech, in many cases it can cause problems for the man on the land; it affects not only him but the housewife, who wants to know who is wandering in and out of the property.

The Hon. A. J. SHARD: I oppose the amendment. To impose on the valuers the need to inform every person by notice seven days before entry on land is administratively and practically impossible. The Valuation Department inspects each year up to 100,000 properties or more in the course of making revaluations, dealing with objections, and analysing land sales. There has not been, to my knowledge, any complaint made about the valuers in this department having abused in any way the existing right of entry powers. The valuers are obliged to carry (and always do carry) a properly signed authority, which they must produce to the occupier when entering on a property, and if it is not convenient to inspect the property at the time, they make arrangements with the occupier to call at a more convenient time. This power to enter upon land for the purpose of assessing or valuing it is contained in every valuation Act in Australia, and in the Land Tax Act and the Waterworks and Sewerage Acts. Under the Land Tax Act right of entry, an authorized valuer has full power to enter upon land. This right-of-entry power has existed for a long time, and it is in other Acts of this Parliament under which land and property inspections have to be carried out. This amendment should be most strongly opposed.

The Hon. G. J. GILFILLAN: I am sorry the Government will not accept the amendment. Perhaps if it is not carried the Government will look at the possibility of advertising in the local press when a valuer will be in a certain district. This would cover a large area. I have been on a property for a number of years and only once have I ever seen a valuer around the property. Advertising would indicate to people when they received their land tax assessment that a valuation had been made. Advertising would help people who had lambing ewes and other stock that they did not want disturbed. I believe the amendment has merit.

Amendment negatived; clause passed.

Clauses 27 and 28 passed.

Clause 29—"Notice of sale, transfer or acquisition of land to be given."

The Hon. C. M. HILL: I have on file an amendment to clause 29, the purpose of which was to ensure that everyone who sold land was not compelled, under threat of a $50 penalty, to advise the Valuer-General after the sale had been completed. However, I notice that the Chief Secretary has an amendment that fulfils the purpose of my own except for land under the old system, and there is not very much of that. It is only fair that if transfers took place under the old system the owners of the land grants should advise the Valuer-General of the transaction. The Chief Secretary's amendment is an improvement on mine.

The Hon. A. J. SHARD moved:

In subclause (1) to strike out "Whenever" and insert "Subject to subsection (1a) of this section, whenever".

Amendment carried.

The Hon. A. J. SHARD moved to insert the following new subclause:

(1a) Subsection (1) of this section does not apply in respect of land that has been brought under the provisions of the Real Property Act, 1886, as amended.

Amendment carried.

The Hon. A. J. SHARD moved:

In subclause (3) to strike out "any person subdivides or resubdivides any land, he" and insert "any land is subdivided or resubdivided, the person upon whose application the subdivision or resubdivision of the land was effected".

Amendment carried.

The Hon. M. B. CAMERON: I move:

To strike out "Fifty" and insert "Twenty-five".

This onus is a little unnecessary and the penalty involved is far too high.

The Hon. A. J. SHARD: I must oppose the amendment. There appears to be no justification for reducing the penalty to $25. It must be remembered that the penalty is a maximum penalty and only a person who had offended many times would suffer the full penalty of $50.

Amendment negatived; clause as amended passed.

Clauses 30 to 34 passed.

Clause 4—"Transitional provisions"—reconsidered.

The Hon. C. M. HILL: I move to insert the following new subclause:

(3a) For the purposes of subsection (3) of this section, an annual value, capital value or unimproved value assigned to land in pursuance of any of the rating or taxing Acts shall be deemed to be a determination of the corresponding value within the meaning of this Act notwithstanding any divergence in the terms in which any such value is defined as between this Act and any of the rating or taxing Acts.

It is only a machinery measure to cover the transitional period between assessments made and in use and the time when new assessments will be adopted under the new legislation. It is necessary to put the position beyond all argument, and that is the reason for the amendment.

The Hon. A. J. SHARD: I have discussed this with the Hon. Mr. Hill and with the Parliamentary Counsel. I believe it is right, and the Government accepts it.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

IRRIGATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

[*Sitting suspended from* 6.2 *to* 7.45 *p.m.*]

WEIGHTS AND MEASURES BILL

Adjourned debate on second reading.

(Continued from November 24. Page 3361.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I have not had time to study this Bill.

The Hon. A. F. Kneebone: It is a pretty weighty measure.

The Hon. Sir ARTHUR RYMILL: Yes. It seeks to bring the administration of weights and measures up to date. I shall be very interested to hear what other honourable members have to say on the measure.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which is substantially a consolidation of the Weights and Measures Act, 1967-1968. It departs from the Act I have referred to in one respect; that Act enabled councils either to administer the legislation within their own districts or to opt out, in which case the legislation was administered by the department concerned. In the main, councils found that the added responsibility involved too much expense, and some of them passed the responsibility to the department. Under this Bill the responsibility will no longer be that of councils, but provision has been made for councils to have substantial representation on the Weights and Measures Advisory Council. The Chairman of the advisory council will be the Warden of Standards, the Deputy Chairman being the Deputy Warden of Standards. The South Australian Commissioner for Prices and Consumer Affairs will also be a member of the advisory council, as will two representatives of local government, who will be chosen by the Minister from a panel of not fewer than five persons submitted by the Local Government Association of South Australia Incorporated. The sixth member of the advisory council will be a person nominated by the governing body of the South Australian Chamber of Manufactures Incorporated.

The PRESIDENT: Order! I am not quite sure who has the floor! Two honourable

members are on their feet at present. The Hon. Mr. Gilfillan.

The Hon. G. J. GILFILLAN: Although local government will not directly administer the provisions of this Bill, one-third of the members of the advisory council will be elected members of local government bodies nominated by the Local Government Association. In general, the provisions of this Bill are very restrictive, but that is necessary in legislation dealing with weights and measures. Clause 50, dealing with regulation-making powers, takes up three pages of the Bill. Clause 26 provides:

(1) Subject to subsection (2) of this section, every measuring instrument used for trade shall be submitted for inspection at least once in every two years for reverification and stamping, in the manner prescribed.

It is provided in the regulations that certain exemptions can be made. I presume that every effort will be made to administer this Act with common sense, and I believe that will happen. Although the provisions of clause 38 can be applied closely to those of clause 41, it seems to me that these provisions will have to be administered with much understanding when employees are concerned, because although the employer may have some control over the defendant it would not be absolute.

The Hon. Sir Arthur Rymill: The same type of clause is provided in the Licensing Act, and clause 41 is the let-out.

The Hon. A. F. Kneebone: I think clause 43 covers the situation.

The Hon. G. J. GILFILLAN: I accept that safeguards have been written into the Bill. The provisions of this Bill should be thoroughly understood by everyone engaged in the retail trade, because not only does it provide penalties but also provides for the confiscation of products that do not make the weight stamped on the package. The general public should be aware of the provisions of this Bill and its penalties. It is designed for consumer protection, but cannot be compared to other consumer protection legislation that we have already considered, because the effect of weights and measures has been with us for a long time. An honest approach to this problem is necessary, in order to ensure that the buying public receives the due measures for which it pays. As I have not found anything in the Bill that I believe to be unfair, I support it.

The Hon. H. K. KEMP moved that the debate be adjourned.

The PRESIDENT: There does not seem to be a seconder of the motion.

The Hon. C. M. HILL (Central No. 2): I am concerned at the position of councils with regard to this measure. The duties of inspector can be carried out by council employees with their usual efficiency, and I should like to know whether the Local Government Association has been consulted about this measure, and whether it agrees with the contents. It seems that councils will provide two of the six persons to be appointed to the advisory council, but they will not know who their representatives are, because the Government will have the pleasure of deciding on two from a panel of five persons nominated by the association. Councils should play their proper role in the local activities in our community: it is one thing for the rather heavy hand of an independent body with the title of advisory council to send its inspectors to check on ratepayers in a council area, but it is another thing for an officer of the council to call.

Between the trader and the staff of the council there is much more confidence than there is between a shopkeeper and the staff of an advisory council. If the Minister assures me that the association has been consulted, but does not want to play any more than the part that has been allotted to it by the Government, I shall be happy. Because of the events between 1968 and 1970, I consider that we shall have to watch this measure in case councils lose more of their traditional control of the welfare of local traders and business people.

I want to see councils play their part where there is a real need for them, so that the machinery of policing these provisions will be more expert and more acceptable to the people affected. Before the Bill proceeds any further, I ask the Minister whether he can say whether or not local government has been consulted, whether it is happy about the measure and whether he has received any other communications from the Local Government Association regarding the Bill.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the consideration they have given the Bill. Although the Hon. Mr. Gilfillan supported the Bill, he raised certain queries in relation to it, answers to which can be provided. I would have been out of order had I answered his queries by interjection. In reply to the Hon. Mr. Hill, I point out that I, too, know that some time ago, before discussions were held

with local government authorities, many councils were opposed to the department's taking over the administration of the Act. Discussions have been held with local government, which has been informed of what it is intended will happen. The advisory council was an answer to the opposition of some councils. I assure the honourable member that the proposals have been discussed with local government all along the line, and that they are acceptable to it.

Bill read a second time.

In Committee.

Clauses 1 to 50 passed.

First schedule passed.

Second schedule.

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

In the heading to division A of Part II of the second schedule strike out "in the First Schedule".

In the heading to division B of Part II of the second schedule strike out "in the First Schedule".

In the heading to division C of Part II of the second schedule strike out "in the Third Schedule".

In the heading to division D of Part II of the second schedule strike out "in the Third Schedule".

In the heading to division G of Part II of the second schedule strike out "in the Fourth Schedule".

In the heading to division H of Part II of the second schedule strike out "in the Fifth Schedule".

In the heading to division I of Part II of the second schedule strike out "in the Fifth Schedule".

In the heading to division J of Part II of the second schedule strike out "in the Fifth Schedule".

In the heading to division L of Part II of the second schedule strike out "in the Second Schedule".

In the heading to division M of Part II of the second schedule strike out "in the Second Schedule".

Honourable members will have noted that the second schedule sets out the tolerances permissible in various standards of measurement used in weights and measures administration. Necessarily, these tolerances must conform exactly to the tolerances set out under Commonwealth legislation. In fact, Part II of the second schedule re-enacts in terms the equivalent provision of the Commonwealth regulations. Regrettably and unfortunately, it follows all too closely the Commonwealth provisions in that it includes certain clearly inappropriate words. I therefore move my amendments to strike out those inappropriate words.

Amendments carried.

The Hon. A. F. KNEEBONE: I move the following amendments:

After division M in Part II of the second schedule to insert the following divisions:

N. Standards of Measurement of Mass and Weight that are constructed of iron and expressed in terms of the kilogram or units related to the kilogram

	Permissible variation in grams
Denominations exceeding 25 kilograms	Seven-hundredths of the denomination of the standard in kilograms.
Denominations exceeding 1 kilogram but not exceeding 25 kilograms	Thirty-five-hundredths of the square root of the denomination of the standard in kilograms.

O. Standards of Measurement of Mass and Weight that are constructed of iron and expressed in terms of the pound or units related to the pound

	Permissible variation in drams
Denominations exceeding 50 pounds	Eighteen-thousandths of the denomination of the standard in pounds
Denominations exceeding 2 pounds but not exceeding 50 pounds	Thirteen-hundredths of the square root of the denomination of the standard in pounds.

These two new divisions proposed to be inserted reflect a recent amendment to the Commonwealth legislation providing for a broader tolerance for weights constructed of iron.

The Hon. C. M. Hill: We are following the Commonwealth in this?

The Hon. A. F. KNEEBONE: Yes.

Amendments carried; schedule as amended passed.

Third schedule.

The Hon. G. J. GILFILLAN: I observe that a number of articles appearing in this schedule under "Weights for bushel" are quite unusual. It is not something we see every day. For instance, we see "Lucerne, 20 lb." Does that refer to chaff? Two other items listed are imphee and planter's friend. Can the Minister elucidate on those items?

The Hon. A. F. KNEEBONE: The honourable member probably knows more about

that type of thing than I do. Planter's friend is a light sorghum.

The Hon. L. R. HART: I thought we had got past the stage where we had biblical terms to describe the crops we grow today. There are three items here that are not described in modern terms that anyone would understand. One is broom corn; I have been growing it for years but have not heard of it by that name. Another one is imphee, and another is planter's friend. Surely there must be other names by which people today can understand them. I think we are entitled to an explanation from the Minister on that.

The Hon. A. F. KNEEBONE: Imphee and planter's friend are two types of sorghum grown principally in Canada, but they are grown here. I understand they came from Canada.

The Hon. L. R. Hart: What about broom corn?

The Hon. A. F. KNEEBONE: I understand broom corn, too, is a type of sorghum. It weighs less than the other two types.

The Hon. L. R. HART: Further down the list sorghum is specified. If imphee, planter's friend and broom corn are all types of sorghum, surely we should put the word "sorghum" in brackets after each of those names so that people can understand the meaning of the words used in this legislation. If these varieties are still grown today and are known by these names, it is hard to know exactly what they represent.

The Hon. A. F. KNEEBONE: I draw the honourable member's attention to the fact that broom corn is 50 lb. a bushel, and the other two are 60 lb. a bushel. I assure him that anyone who grows sorghum would know the difference.

The Hon. L. R. HART: Can the Minister explain why there is a difference between the weight of buckwheat and the weight of seed wheat? Is the seed wheat the female variety, or what? There must be some difference.

The Hon. A. F. KNEEBONE: Buckwheat is much lighter, but I think the difference in weight is accounted for by the fact that one has more bulk and less weight than the other. That is just logic; we must use our common sense and logic.

The Hon. Sir Arthur Rymill: Perhaps the Minister of Agriculture can elucidate the matter.

The Hon. T. M. Casey: I agree wholeheartedly with what the Minister of Lands has said.

The Hon. G. J. GILFILLAN: I think my question has been answered. I would like to see the schedule stay as it is.

Schedule passed.

Title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

[*Sitting suspended from* 8.31 *to* 9.10 *p.m.*]

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

For a long time this afternoon and this evening officers of the South-Eastern Drainage Board and the Director of Lands conferred with the Leader of the Opposition in an effort to arrive at an acceptable alternative to the amendments; however, they did not have much success. I am willing to undertake that, if the Committee does not insist on the amendments, and the Bill is passed, where anomalies become apparent in the light of experience in applying the Bill's provisions, I will amend the legislation either in the autumn sittings of this session or early in the next session. I may add that, because of the time it will take to get the system going and to have sufficient experience of the working of the system, it may not be possible to introduce an amending Bill during the autumn sittings of this session.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Minister for his co-operation this afternoon in making available to me the knowledge of his departmental officers. I have made my views very clear: I firmly believe that the only just basis for a rating system for maintenance is a basis of betterment. I pointed out earlier that I understood the difficulties associated with the system, but I believe that the Minister's system will present more anomalies than the old system did. What we have been examining is a means whereby those who receive the maximum benefit should pay higher total rates than those who receive a minimal benefit. The Bill lays down a blanket charge over the whole

area, irrespective of whether land is flat or hilly. I think the Minister understands what I have been trying to achieve. If the provisions do not work as the Minister expects they will, I accept his undertaking that in the autumn sittings of this session or in the next session an amending Bill will be introduced to correct anomalies. In all fairness, it is reasonable to give the system of unimproved values a try. With those points in mind, I support the motion.

The Hon. M. B. CAMERON: I believe that it is in connection with the words "indirect benefit" that the majority of the problems will arise. I do not like the Bill because it is too sweeping. I accept the Minister's undertaking, but I point out that, once the system has been put into practice, it will be difficult to cancel it. Can the Minister say when people can start appealing against this system and pointing out anomalies? Can people do that immediately on the passage of this Bill? I believe that some people would be able to do it almost immediately. I believe that people who do not receive direct benefit should not have to pay; certainly, people who receive detriment should not have to pay. I agree with the Leader that the people who receive direct benefit should pay, if anything, a little more. I still oppose the Bill in its present form, and I am sorry that the matter has not been completely cleared up.

The Hon. A. F. KNEEBONE: Naturally, appeals cannot be heard until an appeals board has been set up and until assessments have been cleared up. A board to adjudicate on unimproved land value appeals will have to be set up.

The Hon. M. B. CAMERON: Why not delay the legislation until matters are finalized? Clearly this legislation is before its time.

The Hon. A. F. KNEEBONE: How do you set up an appeal board until the Bill is passed?

Motion carried.

PISTOL LICENCE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

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

PUBLIC SUPPLY AND TENDER ACT AMENDMENT BILL

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

ADJOURNMENT

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

That the Council at its rising do adjourn until Tuesday, February 29, 1972, at 2.15 p.m.

I think I would be unfair to honourable members if I did not thank them for the co-operation they have shown this week. I hope that all honourable members and their families have a very happy Christmas; I wish them all that they wish themselves. I wish all honourable members a bright and happy new year, and I hope to see each honourable member in his place when we resume.

The PRESIDENT: I join with the Chief Secretary in extending greetings and best wishes to all honourable members. I hope honourable members will have a happy and relaxing period and that they will return with some of the exuberance that we have witnessed tonight.

Motion carried.

At 10.9 p.m. the Council adjourned until Tuesday, February 29, 1972, at 2.15 p.m.