# LEGISLATIVE COUNCIL

Wednesday, October 4, 1972

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

## QUESTIONS

### SUNDAY CAR SALES

The Hon. R. C. DeGARIS: I seek leave to make an explanation prior to asking some questions of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: No doubt the Chief Secretary has seen a statement made by the Minister of Labour and Industry in this morning's press in which it is alleged that Sunday car sales are lawful. The Minister is reported as saying that there is nothing that Department of Labour and Industry inspectors can do to stop Sunday trading at used car lots; further, he says that the Government has tried twice this year to amend the Industrial Code to extend the definition of a shop to include a used car yard, but on both occasions the Bill was not accepted by the Legislative Council and, accordingly, lapsed. As the matter of redefining "shop" was dealt with in only one clause of a much larger Bill that lapsed, and as there was no opposition or amendment to that clause, can the Chief Secretary say whether the Government intends to reintroduce that clause in a separate Bill? Secondly, section 17 of the Secondhand Dealers Act provides:

(1) Subject to subsection (1*a*) of this section, a licensee shall not buy or sell secondhand goods—
(*a*) on any Sunday or public holiday; or
(*b*) on any other day except—
I. during the hours when his premises may be kept open pursuant to Part XV of the Industrial Code, 1967-1970; or
II. if his premises are not a shop to which that Part applies, during the hours when shops in the locality, in which his premises are situated, are open for business.

(1*a*) It shall not be a contravention of this section for a licensee to buy or sell secondhand goods, not being a motor vehicle as defined for the purposes of the Motor Vehicles Act, 1959-1971, on any Sunday or public holiday at his premises where those premises are situated outside a shopping district, as defined for the purposes of the Industrial Code, 1967-1970.

Will the Chief Secretary draw the attention of the Minister of Labour and Industry to this provision in the Secondhand Dealers Act?

The Hon. A. J. SHARD: I will examine the first question. Regarding the second question, I received the following statement from my colleague this morning:

Yesterday, I replied to a question from the member for Fisher, who had asked why officers of the Department of Labour and Industry did not take action to stop the practice of secondhand car dealers trading on Sundays. In answering this specific question I unfortunately gave the impression that it is lawful for used cars to be sold on Sundays, and a report to this effect was published in this morning's *Advertiser*.

Although, as I explained, there is nothing that the inspectors of the Department of Labour and Industry can do to prevent used car lots opening on Sundays, it is a breach of the Secondhand Dealers Act for secondhand motor vehicles to be sold by a secondhand dealer on any Sunday or public holiday. Any used car dealer who attempts to do business on Sunday will therefore be committing a breach of the Secondhand Dealers Act, which is administered by the Police Department and not by the Department of Labour and Industry. Therefore I have drawn the matter to the attention of the Chief Secretary and asked him to see that the police take action to ensure that secondhand car dealers do not trade on Sundays and public holidays.

Regarding the last part of my colleague's statement, I undertake to draw the attention of the Commissioner of Police to this matter. I think that partly answers the Leader's question.

### CONVEYANCES

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

Leave granted.

The Hon. M. B. DAWKINS: About three days ago I saw on television an interview with a Dr. Wilson, who is the Acting Head of the University of Queensland Sociology Department, in which he stated, as I recall it, that our system of conveyances was, in his opinion, the best in the Commonwealth and he considered that if we amended the law in South Australia we could increase the costs of these transfers by as much as 400 per cent. As I understand that the Government has in mind a Land Agents Bill which would alter the system and which may cause this type of increase in costs, can the Chief Secretary say whether, in view of the comments of this gentleman from another State, the Government will examine this matter and see whether the present system is, as Dr. Wilson said, the best in the Commonwealth?

The Hon. A. J. SHARD: I could reply bluntly and ask the honourable member to read the Government's announcement in today's

*Advertiser*. The honourable member conveniently read the one press report to ask his question but he forgot to say that it was replied to in today's *Advertiser*, and that Dr. Wilson's comment was not readily agreed to. The whipping up of this matter leads one to the conclusion that it may be necessary to amend the Bill and, to the best of my knowledge, the Government intends to proceed with the Bill, as outlined in His Excellency's Opening Speech.

## BEACH SHACKS

The Hon. R. A. GEDDES: I seek leave to make a statement prior to asking a question of the Minister representing the Minister of Lands.

Leave granted.

The Hon. R. A. GEDDES: I understand that there are about 486 holiday shacks on the coastline between Port Augusta and Cowell. The blocks are all held under licence from the Lands Department, and most of them are outside the local council's control. A serious garbage problem is occurring with these shacks, arising from people carelessly leaving litter around the area, and the policing of this problem is becoming extremely difficult. As these blocks are held under licence from the Lands Department, will the Minister consider sending to each licensee a notice requesting the occupier to clear the litter on his block and the area surrounding it, and warning him of the need for better pollution control in the district for fear of destroying rather a lovely part of the coastline of the State?

The Hon. A. J. SHARD: I will be pleased to refer the question to my colleague and bring down a report as soon as practicable.

## RURAL RECONSTRUCTION

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: Yesterday the Minister of Agriculture, representing the Minister of Lands, replied, when I asked whether it was necessary for people to reapply for rural reconstruction in the light of the present economic circumstances and the sudden rise in the price of wool, that this was not necessarily so. While that comment contained some indication that the department would review without reapplication, will the Minister provide a more detailed statement of which applications will be reviewed without further application, how the person concerned will know exactly whether his application is to be looked at again, or whether he needs to draw the matter again to the attention of the department?

The Hon. A. J. SHARD: I will be pleased to draw the honourable member's question to the attention of the Minister and the department, and bring down a reply as soon as possible.

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## METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL

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

## MEADOWS ZONING

Adjourned debate on the motion of the Hon. R. C. DeGaris:

That the Metropolitan Development Plan District Council of Meadows planning regulations—Zoning, made under the Planning and Development Act, 1966-71, on July 6, 1972, and laid on the table of this Council on July 18, 1972, be disallowed.

(Continued from September 20. Page 1434.)

The Hon. R. A. GEDDES (Northern): The relevant section of the Planning and Development Act which gives a council regulating powers is section 36 (1), which reads as follows:

Subject to this Act, the Governor may, on the recommendation of the Authority or a council whose area or any part of whose area is within the planning area affected by an authorized development plan and on receiving from the Minister a certificate that in his opinion such of the provisions of section 38 of this Act as are applicable have been complied with, make such regulations, not repugnant to or inconsistent with any Act, as are necessary or expedient for the purpose of implementing and giving effect to the authorized development plan and the general principles contained therein . . .

The Metropolitan Area of Adelaide Development Plan is referred to in section 5 of the Act, as follows:

The Metropolitan Area of Adelaide Development Plan attached to and referred to in the Report on the Metropolitan Area of Adelaide, 1962 prepared and submitted by the Town Planning Committee in accordance with section 26 of the repealed Act, and includes that report.

The piece of land in question is irregular in shape, and appears on the central sheet of the Metropolitan Area of Adelaide Development Plan. It is surrounded by Bellevue Heights and Aberfoyle Park to the north and south, and by Coromandel Valley and Flagstaff Hill

to the east and west. The Sturt River runs right through the land, and is the boundary between the District Council of Meadows and the Corporation of the City of Mitcham.

In the development plan, the area in question has been specially coloured, and any honourable member who still has his bound volume can see that the colour indicates that the land is, apart from a small section that has been held for the future construction of a stormwater dam, marked as special uses. A note on the Metropolitan Area of Adelaide Development Plan states that "special uses" can mean for the use of larger institutions.

I understand that the land in question is owned by Minda Homes Inc. and that it is known as Craigburn. Also, the report states that the Sturt River should be retained as far as possible in its natural state to provide contrast from the urban scene and opportunities for parks and recreation. The conclusions in the report (and I am trying to give details of the problems as I see them) are that the land is zoned special uses by reason of its ownership, and that the planners considered it desirable to create a buffer strip extending from Marino to Coromandel Valley in order to separate the already heavily populated southern suburbs from the new urban areas developing further south. Also, Craigburn should be included in this buffer strip because, first, it is one of the few large areas of land in the Mount Lofty Range adjoining the metropolitan area that have not been used for any urban development at all; secondly, it is expected in due course to be surrounded by average density housing to the north, south and east; thirdly, it has a rural character and should be retained as such; fourthly, it has running through it a watercourse considered worthy of preservation in its natural state; and, fifthly, it provides an excellent opportunity for parks and recreation along the Sturt River gorge.

The Meadows District Council regulations provide, in effect, that two-thirds of this special uses land shall be retained for that purpose, and the remaining one-third shall be subdivided for housing or, as is stated in the report, as a "residential 1" area. Therefore, one-third of the land will be used for housing, thus removing the original concept of the authors of the Act. The fact that the residential area in the district council's plan goes right up the Sturt River for about one-third of its course through the Craigburn land seems inconsistent with the view that the Sturt River gorge should be preserved in its natural state to provide opportunities for parks and recreation in the future. The most significant departure from the development plan is, however, the zoning of such an extremely high proportion of the Craigburn land as residential 1. It seems to be completely inconsistent with the principle outlined in the Planning and Development Act. Unless the Meadows regulations are in conformity with the terms of the enabling power of the principal Act, I argue that they are invalid. I use as my reference the Third Edition of Halsbury, volume 36, which at page 491 states:

Grounds for challenging subordinate legislation. There are a number of grounds on which the validity of subordinate legislation may be challenged . . . In the third place, the legislation may be defective in substance, its provisions being *ultra vires* (that is to say, outside the scope of) the enabling power or, in the case of sub-delegated legislation, either *ultra vires* that power or not authorized thereby because the provision by which the power is conferred is, in that respect, *ultra vires* the enabling power on which it in turn depends.

That is an interesting explanation, that the power has not been authorized because the provision by which the power is conferred is *ultra vires* the enabling power. It seems to me that the Planning and Development Act was designed and the plan was drawn—

The Hon. R. C. DeGaris: The Planning and Development Act adopted the 1962 plan.

The Hon. R. A. GEDDES: Yes; it has been accepted all along. This land, as I have tried to explain, was specially marked out in the plan to be a buffer zone. It is an area of land unspoiled by man, to a great extent, and now the council wishes to take about one-third of it for residential purposes, thus abandoning the original concept of a buffer zone between the fast-developing areas to the south and to the east of it. The point I have tried to make is that, under the definition given by Halsbury, it can be argued that the authority of the Meadows District Council is outside the scope of, or *ultra vires,* the authority given to it by the Planning and Development Act of 1962, and I would appreciate the Government answering this point of view. With that argument, I agree with the motion that this regulation be disallowed.

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

## PUBLIC ACCOUNTS COMMITTEE BILL

Adjourned debate on second reading.

(Continued from September 27. Page 1598.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I believe this is the eighteenth

time that a Bill or motion of this nature, to establish a public accounts committee, has been before the South Australian Parliament. In whatever form it has appeared previously—as a motion, as a resolution or as a Bill—it has not been passed by both Houses at any time. Sometimes in the history of this measure it has been defeated in another place; sometimes it has been defeated in this Council. In 1967 the Council examined this matter exhaustively and concluded, as the House of Assembly and this Council had concluded on previous occasions, that a Public Accounts Committee would serve no useful purpose in South Australia. Such a measure was first introduced in 1894. I think I am correct in saying that it has always been the Opposition of the day that has introduced this kind of measure. So, this matter has never attracted the attention of the Government, whichever Party has been in power. Of course, the motions or Bills for the establishment of a Public Accounts Committee have provided variations on the basic theme. In 1959 the Leader of the Opposition in the House of Assembly, Mr. O'Halloran, moved the following motion:

That in the opinion of this House it is desirable that a Public Accounts Committee be established to—

(*a*) examine the accounts of the receipts and expenditure of the State and each statement and report transmitted to the Houses of Parliament by the Auditor-General pursuant to the Audit Act, 1921-1957;

(*b*) report to both Houses of Parliament, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the committee is of the opinion that the attention of the Parliament should be directed;

(*c*) report to both Houses of Parliament any alteration which the committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys; and

(*d*) inquire into any question in connection with the public accounts which is referred to it by either House of Parliament, and to report to that House upon that question.

That motion was unanimously supported by the then Opposition, the Australian Labor Party. I ask honourable members to note that it was proposed that both Houses would be represented on the committee and that both Houses could refer matters to the committee. On previous occasions I have objected very strongly to the principle of structuring any committee solely from one House, and I do so again. This Bill establishes a Public Accounts Committee based solely on the House of Assembly.

In the original motion of 1894 and in Bills and motions since then, one argument advanced in support of the idea has been that a similar committee has operated in the House of Commons for more than 100 years. At first glance, that may seem to be a fair precedent for the establishment of a Public Accounts Committee in South Australia, but there have been very different reasons for the establishment of such a committee in Great Britain. In that country the committee was formed to ensure that departments spent their allocations of money as Parliament had intended them to be spent. At the time of the establishment of the Public Accounts Committee in Great Britain, appropriation accounts were not rendered by Government departments; further, accounting practices were poorly organized. In such a situation the establishment of a committee was a practical proposition. From 1836 to 1861, when the committee was formed, the Treasury actively supported the establishment of the committee. It is important to bear in mind that at that stage in Great Britain there was no office of Auditor-General, which office was not created until 1866. When the position of Auditor-General was created, that officer virtually drew his powers from the Public Accounts Committee. So, one can see the differences between the situation in Great Britain and the situation in South Australia, where the Auditor-General's Department has power to call witnesses and where the Auditor-General makes an annual report to Parliament.

I stress that the Auditor-General here is virtually responsible to Parliament, not to the Government. So, when the argument is advanced that the establishment of a Public Accounts Committee in Great Britain serves as a precedent, we must bear in mind that the background is totally different there. At present the Public Accounts Committee of the House of Commons consists of 15 members, but it is seldom that more than two or three members attend meetings of the commitee; of course, the Chairman usually attends. If honourable members wish to examine this matter further, I recommend that they read *Control of Public Expenditure*, published by the Clarendon Press in 1952, in which the British system is examined in detail. That book says:

There are, perhaps, two criteria—some relevant knowledge and experience, and service on the committee—and it is certain that it takes two or three years before they can find their way about the intricate accounts.

One may be forgiven for wondering whether a system that regularized the primitive accounts that used to prevail is capable of dealing with the highly complex and specialized accounting methods of the present day. We must remember that the committee, composed of laymen, would be considering accounts 18 months after the actual expenditure had taken place and that it would be considering accounts after the Auditor-General had presented his report on those accounts to this Council. Sir John Wardlaw-Milne is reported as saying:

I do not think the Public Accounts Committee can, in any way, be said to examine expenditure from the point of view of getting value for money. The committee is mainly interested in the regularity of accounts, in assuring itself that money is spent as Parliament intended.

As things stand in South Australia at present, the Auditor-General provides a public check on the State's accounts extremely well. So, one cannot see what further function a Public Accounts Committee could perform. I admit that, if the Public Accounts Committee could also fulfil the role of an estimates committee, the position might be somewhat different. I suggest that, if the Public Accounts Committee could establish itself and then transfer its attention to the work of an estimates committee, it might fulfil some worthwhile function, but I see no value in a Public Accounts Committee duplicating the work of the skilled Auditor-General's Department. An estimates committee is a more appropriate committee to which we should be moving, rather than establishing a committee, the work of which is effectively done by the Auditor-General. In any case, the committee could not do this work until the Auditor-General had reported to Parliament, so the committee could not report to Parliament until 18 months or more after the actual expenditure had been made.

One interesting comment on the function of a Public Accounts Committee is the function of the committee in the Commonwealth Parliament, and this is rather a sad commentary on the economic efficiency of such a committee. The Commonwealth established a Public Accounts Committee in 1913 but, as an economy measure, it was abolished in 1932. If one thinks about the reason for the committee's abolition, one will agree that it is a sad commentary on the efficiency of a Public Accounts Committee. The Commonwealth committee was re-established in the 1940's or in the early 1950's and has been operating ever since; but, once again, it is moving its attention to operating more as an estimates committee than as a Public Accounts Committee. I doubt the efficiency of a Public Accounts Committee's operating solely as an extension of the Auditor-General's Department, even at the Commonwealth level.

Apart from the comments I have made (and I have made them previously) I should like to make one more comment to show my completely unbiased attitude to the measure. A former Prime Minister of Great Britain (Mr. Harold Wilson), who one must admit is an eminent gentleman, said:

The Public Accounts of United Kingdom is the only blood sport now permitted in the United Kingdom.

I ask honourable members to take that comment to heart. Even though I hold very strong views regarding the value of a Public Accounts Committee as such, I intend to support the second reading of this Bill because I believe there is a role for a Parliamentary committee if it can move itself away from being just a Public Accounts Committee that acts some 18 months after the event to a committee that would actively and continually watch over the Estimates presented by the Government. If the Public Accounts Committee could enlarge its work to fulfil this role, I believe that it might serve some useful purpose. I turn now to the clauses of the Bill. I have already referred to clause 3, which provides:

The committee shall consist of five members of the House of Assembly who shall be appointed by the House of Assembly and of whom not less than two shall be so appointed from the group led by the Leader of the Opposition.

I suggest that, if the committee is to operate satisfactorily, it should be under the control of the Opposition. It may be an unattractive proposition to any Government in power to have a committee, under the control of the Opposition, that makes reports on its accounts. Nevertheless, if honourable members think about this for a moment, about the role of Parliament and about the role of this Public Accounts Committee, they may see some reason for considering this point. At least, I submit that the committee should be equally divided; in other words, it should not be controlled by the Government. A Public Accounts Committee controlled by the Government would remove any chance (and I am not making this allegation against this Government) the committee would have of being completely unbiased in presenting any report

to Parliament. I suggest that the most efficient Public Accounts Committee we could have would be one on which the Opposition at least had equality, although I suggest that the most efficient committee would be one with a majority of Opposition members on it.

Once again, I take exception to the fact that no member of the Legislative Council is to serve on the committee; that is a petty attitude to take. I do not believe that that was the original intention of the draftsman of the Bill who, I believe, feels so strongly about the establishment of a Public Accounts Committee that, realizing that the Government would not accept a nomination from the Council on the committee, he has gone along with this idea. I draw honourable members' attention to this matter, because I believe that the Council should be represented on the committee. The Senate is represented on the Commonwealth Public Accounts Committee, and the House of Lords is represented on the United Kingdom Public Accounts Committee, so there is no case for the Government to exclude representation from the Legislative Council.

The other matter to which I wish to draw honourable members' attention is clause 12, which provides:

> The Governor may, on the recommendation of the Speaker of the House of Assembly, appoint from the staff of that House a secretary to the committee and such other officers of the committee as are required for the performance of its functions.

I also draw attention to the Public Works Committee Act, section 16 of which provides:

> The Governor, on the recommendation of the committee, may from time to time appoint a secretary to the committee and such other officers as he deems necessary or proper for the purposes of this Act.

Section 11 (2) of the Joint House Committee Act provides:

> The Committee shall appoint an officer of the staff of one of the Houses of Parliament to be secretary to the committee.

As the Public Works Committee Act and the Joint House Committee Act provide for the nomination of a secretary by the committee concerned, is there any reason to depart from this practice in this Bill? Secondly, would it not be in the public interest for the Public Accounts Committee to be able to select a secretary from as wide a field as possible? Thirdly, if this appointment is to be restricted to the staff of the House of Assembly, does this indicate a new policy in relation to Parliamentary staff vacancies, namely, that a vacancy can be filled only by appointing an officer of the House in which the vacancy occurs? Finally, if a part-time appointment is made under clause 12, is any conflict likely to result from the operation of section 58 of the Constitution Act, which provides, *inter alia,* that the salaries and allowances of officers of the Legislative Council shall be the same as those of corresponding officers of the House of Assembly?

They are the only matters relating to the clauses of the Bill on which I wish to comment. I am not an admirer of Public Accounts Committees. Over the years I have made a rather exhaustive inquiry into their efficiency. I do not think they would serve any useful purpose in South Australia, when the work is already in the hands of the Auditor-General. Nevertheless, as this is the eighteenth time such a measure has come before the Parliament, I think that I should support the second reading in the hope that, if a committee is established, it will be able to enlarge the scope of its inquiries and perform the work of an estimates committee, which has some application to the Parliament in South Australia. For that reason, I support the second reading.

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

## CIGARETTES (LABELLING) ACT AMENDMENT BILL

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Cigarettes (Labelling) Act, 1971. Read a first time.

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

*That this Bill be now read a second time.*

The purpose of this short Bill is to correct an incorrect cross-reference that appears in the principal Act at paragraph (*a*) in section 5. In fact, the reference in question was correct when the Bill was introduced. However, in its passage through Parliament a further clause was inserted immediately after clause 1 that necessitated the consequential renumbering of the clauses. In the nature of things, the alteration of the reference in question would have been made without formal amendment. In this case the need for it was overlooked when the final print of the Bill was prepared for the assent of His Excellency the Governor. Although in the context of the Bill the intention of section 5 is clear, in the Government's view the matter should be put beyond doubt.

I will now deal with the Bill in some detail: Clause 1 is formal. Clause 2 is included to

ensure that the principal Act and the Act proposed by this Bill will come into operation on the same day. Clause 3 effects the necessary amendment.

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

## APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 3. Page 1716.)

The Hon. R. A. GEDDES (Northern): I intend to mention one subject only, and that is the Electricity Trust of South Australia. In the Auditor-General's Report we have been informed that, for the first time since 1946, when the trust came into being, it has sustained a loss reported at $334,146. Members in this Council and people throughout South Australia are well aware of the excellent work done by the trust (such undertakings as the Leigh Creek coalfields, the Playford power station at Port Augusta and the Torrens Island power station on the North Arm), and we all know of the single wire earth return and three-phase power lines stretching across the rural areas of the State. Even with the industrial development this State has enjoyed, the trust has been able to keep pace and to provide service and efficiency above criticism, which could be described as unique in the history of this State and of many other States if we compare industrial records and efficiency in keeping up with the job. The loss sustained by the trust has immediately brought a cry from many sources. We have seen editorials in the daily newspaper, we have heard talks on the wireless and we have seen comments in the press from various people suggesting that it will not be long before electricity tariffs in South Australia will be increased.

Furthermore, it is suggested in some quarters that the tariff will be increased more severely in the industrial sector than for the household consumer. But, did the trust really sustain a loss of about $334,000 in 1971-72? In 1970-71, the Government brought in a Bill to amend the Electricity Trust of South Australia Act, imposing on the trust a quarterly levy amounting to the equivalent of 3 per cent of the trust's gross revenue. This levy is paid to consolidated revenue. Last year the trust paid to the Treasury $2,080,000, and if it had not paid that sum to Treasury its profit would have been about $1,746,000 for that financial year. This figure represents a remarkable growth rate when one sees the increase from the profit of $211,000 in 1968-69. When we consider that Treasury has taken more than $2,000,000 in the financial year, if the trust increases its tariffs or rates it will be taking away from the Government its responsibility to impose tax on the people in order to balance its Budget, a tax that one would assume would be imposed over a very wide section of the community. If the trust is instructed or requested to increase industrial tariffs, this would be a sectional levy by the trust that would absolve the Government from very much criticism, because it would be done by the trust. It could be said that, as the trust incurred a loss last year, increases were necessary.

This type of excuse is not valid. It should be the responsibility of the Government to provide in the Budget for increased taxation, where necessary, in order to rectify a deficit of this type. One could not say that the trust was facing a liquidity problem, because it is holding no less than $42,000,000 in short-term deposits, debentures, notes and Commonwealth Government inscribed stock. I should imagine that those funds would be sufficient to enable it to undertake any capital works it envisaged. Indeed, its capital works could be covered for some time by these short-term deposits.

I consider that, if there was a plan to increase electricity charges in this State, it would be unjustified. Consequently, I want honourable members to be fully aware of my thoughts in this respect. It is not right that industry should have to pay the increased costs being imposed on it, because it is experiencing its own difficulties with wage increases that are continually occurring. One must also consider the present difficult consumer spending bracket, with people depositing money in the Savings Bank or similar safe institutions rather than spending it as freely as the trade would like them to, which has resulted in a general tightening up of industrial production. Also, the problem of inflation is continually rearing its ugly head, thereby imposing another charge on industry, making it even more difficult for those involved.

If any increased charge was shared equally with the householder, I need not remind anyone of the problems that would be caused for pensioners, widows and, indeed, the ordinary householder. Electricity consumption in the ordinary house must be high, considering all the modern gadgets which are available today and which are often purchased on occasions such as Mother's Day and Father's Day.

Industrial electricity accounts have in the five-year period to which I have referred

increased by 11.5 per cent. There is, therefore, a growth rate potential for the trust that must be examined because, if the trust's charges increase too much, its own growth rate will slow down. It is only wise, therefore, for the Government to examine the 3 per cent levy that it has imposed on the trust, with a view to making an *ex gratia* payment to the trust to ensure that it does not have to increase its charges, which are in turn passed on to the community—especially when the charges involved are really the Government's responsibility. I support the second reading.

The Hon. L. R. HART (Midland): In reviewing the Appropriation Bill, one cannot but conclude that no Government in recent times has had an easier ride financially than the present Administration. Tommy Trinder would have said, "You lucky people." Other honourable members have presented ample figures to prove this point, and I do not intend to repeat them. However, I draw honourable members' attention to a number of regulations that have been placed on the table of this Chamber recently.

Week after week since the Labor Government took office fees for various licences have been increased. Indeed, in these days of Labor Administration one requires a licence for almost anything (or, should I say, everything). I refer to two recent examples: first, the fee for a secondhand dealer's licence has increased from $4.20 to $20 and the fee for the money-lender's licence has increased by a similar amount. Although this can be referred to as hidden taxation, in the aggregate it amounts to a large share of the Government's revenue. The public does not realize that this form of taxation is being imposed week after week.

Then we have what could be referred to as self-imposed taxation. I refer to fees collected by the Government from the lotteries and the Totalizator Agency Board and other gambling facilities that have been provided by the present Labor Government. That Government continually stresses the great gains that have accrued to this State as a result of its being a claimant State. On the other hand, we are told that our taxation and charges must be comparable with those of the non-claimant States. There was a time when industry was attracted to South Australia because of its lower rates of taxation. However, because of Commonwealth Grants Commission requirements our taxation must measure up to that imposed in New South Wales and Victoria, which are referred to as the standard States. No longer does South Australia hold any attraction for industry over New South Wales and Victoria. One could suggest that, because of our being a claimant State and having to meet the taxation requirements of the Grants Commission, this could be the reason why our unemployment figures are as high as they are.

Much prominence has been given lately to suggestions made by the Minister of Local Government that council boundaries should be rearranged, providing for larger councils which, he claims, could be run more economically. Although this would be partly true, one must view these suggestions with much caution. It is Labor Party policy to abolish not only State Parliaments but also local government as we know it today, and the Minister's scheme is no doubt the thin end of the wedge to destroy local government as we know it and to replace it with a system of local government subservient to and dependent upon one central Government. I warn local government to tread cautiously if it does not want to be an accessory to its own demise. Labor Party policy is spelt out loud and clear. The policy of Socialist Governments always seems to be to roll things into a large bundle which is easy to move around and roll in the desired direction.

The Minister of Local Government has another scheme, to establish weed control boards in South Australia. It will not be denied that some councils do not enforce the provisions of the Weeds Act as rigidly as they should. But, on the other hand, many councils are doing a commendable job in weed control and eradication. Some councils join together as a group and employ a weeds officer; other councils individually employ a weeds officer to carry out the provisions of the Health Act and Building Act as well. In addition to employing a weeds officer, some councils also employ a person to operate a spray unit owned by the council for the eradication of declared weeds. It is not uncommon for councils in this situation to expend anything up to 10 per cent of their rate revenue to comply with the provisions of the Weeds Act.

If weed control and eradication are not being carried out in some council areas to the satisfaction of the department, I suggest that the Minister insist on the application of the Weeds Act in those areas rather than upset a system that is working elsewhere efficiently and satisfactorily. One suspects that the Labor Government in creating these regional organizations is endeavouring to provide employment for some

of the people it goes to great pains to educate today. It is no good educating people if we do not find jobs for them. I suspect that some of the moves by the present Government in creating these organizations are made for the sole purpose of creating employment for people with certain qualifications.

In speaking to this Bill last year, I drew attention to the inadequacy of the funds provided for the Emergency Fire Services of South Australia, particularly compared to similar services in other States. Unfortunately, the position has not improved at all. The amount of money voted this year to the Emergency Fire Services is nearly $2,000 less than was voted last year. I recognize that other sums of money are provided for fire-fighting services but, if we add these two amounts together, we get the magnificent sum of just over $190,000. This may sound sufficient but, when one compares it with the allocation in Victoria, which is about $7,000,000 and with that in New South Wales, which is about $3,500,000 to $4,000,000, we realize what little importance is attached to the E.F.S. and to fire-fighting services in general in this State by the present Labor Administration.

In answer to a recent question about the reconstruction of the Emergency Fire Services of South Australia, the Minister of Agriculture stated that he had been supplied with the report of a working committee that he had set up to inquire into the reorganization of the Emergency Fire Services of South Australia. He commended the committee on the work it had done and the report it had presented. He said that at present he was not able to make any moves because the Treasury was investigating the financial aspects of the report. He continued:

> However, until I receive a reply from the Treasury I cannot state definitely what the situation will be.

In other words, until the Treasury has looked at this report and decides whether it will make any contribution to the recommendations submitted by the expert panel constituting the working committee, we face another season in which we shall again have fire-fighting services that are inadequate for the needs of this State.

Indeed, even if the Treasury did decide it would financially support the recommendations of the working committee, one could expect that it would be two or perhaps even three years before they could be put into operation fully. The E.F.S. headquarters staff at present works under conditions that no public servant should be asked to work under. Its officers work in an old building that not only is insufficient in size but also lacks facilities of the type required for that service to operate efficiently. So I draw the Government's attention to the urgent need for a reorganization of the E.F.S. in South Australia. The recommendations have been made to the Government. I myself have not seen the report, but the Minister has said he has read it several times. I assume the E.F.S. reorganization will not be on a scale similar to that of the other States but at least we should have something adequate for the needs of South Australia. I support the second reading.

The Hon. M. B. DAWKINS (Midland): I, too, support the second reading of this Bill. In previous years I have on occasions surveyed the Bill in some detail but I do not intend to speak at any length this afternoon, although I have a few comments to make. I well recall that, when I first came into this Chamber 10 years ago, the overall Budget was about $200,000,000. As I used to visit Western Australia from time to time, I was able to point out to the people there that, although in their opinion theirs was the best State in the Commonwealth, it was only four-fifths of South Australia from the point of view of its Budget and its population. What the present situation is I do not know, but I do know that this Budget is about $500,000,000 compared to something like $200,000,000 10 years ago. While we all know that expansion has occurred, we cannot look upon that explosion in the amount of money with any great equanimity. Possibly, it is too much of an inflationary move to be pleased about. Nevertheless, the present Budget is about $509,000,000.

I recall that in 1965 in the first Speech opening Parliament after the election of the first Australian Labor Party Government for many years by His Excellency the Governor, Lieutenant-General Sir Edric Bastyan, the reference to agriculture was confined to about one sentence. Something was later made of the fact that agriculture was not very high in the list of priorities under the new Government. Today, in 1972, we find that rather more lip service is paid to the needs of primary industry, but I do not believe there is very much action by way of improvement in service. If we look at Parliamentary Paper No. 9 we see that the Agriculture Department has been allocated nearly $7,000,000, for this year and the Lands Department has been allocated nearly $6,000,000; so that, if we were to regard all that as being directed

towards primary industry, we would have a total expenditure there of about $13,000,000 out of a total Budget of over $500,000,000.

I draw the attention of the Minister of Agriculture particularly to the testing of cattle. A charge has recently been recommended for that service. Last year $9,500 was appropriated for that purpose, and only the same amount is provided this year. Larger sums have been provided in the other States; in New South Wales, admittedly a much larger State than South Australia, more than $500,000 has been appropriated for the purpose. Of course, the buoyancy or otherwise of the cattle industry considerably affects the prosperity of the State as a whole. Like the Hon. Mr. DeGaris, I am perturbed at the very small sum being provided out of general revenue for the purpose.

The Hon. Mr. DeGaris said that he believed that most of the money being made available for eradicating brucellosis was coming from the Cattle Compensation Fund; if that is the case, most of the money is really coming from the pockets of primary producers. It is deplorable that the Government is providing such a small amount as $9,500 from general revenue for such an important project as the eradication of brucellosis. I hope that the Government will recognize the importance of eradicating that disease and that it will not impose on producers the charge that has been referred to. The sum of $600,000 is provided for the Agricultural College Department; however, from that figure we should deduct $320,000 (made up of $195,000 from receipts from the college itself and $125,000 from the Commonwealth Government), leaving $280,000, the net cost of maintaining the agricultural college.

Not long ago we heard the recommendations of the Ramsay report, which suggested that four or five agricultural colleges should be provided in this State. Whilst I believe that that is somewhat idealistic and premature, I also believe that, in view of the fact that $138,000,000 is being provided for education, further agricultural colleges should be established in due course. Admittedly, the establishment of such colleges will be costly, but some of that cost will be met by the Commonwealth Government if those colleges become colleges of advanced education. I believe that the net provision of $280,000 for the agricultural college is not excessive, particularly when we consider the college's work in improving wheat yields over the years.

The very small sum of $2,250 is provided for the purchase of livestock for the college. Eight or nine years ago the college established a new stud flock of poll dorset sheep, when it decided to do away with the southdown stud. If the college is to establish a stud, irrespective of the breed or the type of animals involved, an adequate sum should be provided to enable top quality stock to be purchased for the stud. For a number of years various Governments have provided inadequate sums for that purpose. I believe that the young men at the college should have experience of working with first-class stock, regardless of whether they be cattle, pigs or sheep. Last year there was a reduction of 18 per cent in the provision for the Agriculture Department, and this year there has been an increase of 8 per cent in the provision, yet the overall Budget has been increased by considerably more than that proportion. In all fairness, I point out that those percentages may not truly reflect the position, because some items were transferred to the allocation for education. I also believe that the Government should be willing to consider providing more money for agricultural extension services.

I endorse the remarks of the Hon. Mr. Russack and the Hon. Mr. Hart concerning the increases in licence fees and the implementation of such increases by regulation. Those increases have hit the pockets of all South Australians, and it is regrettable that increases should be made under the regulation system. The Hon. Mr. Hart referred to the redistribution of local government boundaries; it is 40 years since there was such a redistribution, and I would not deny that some alterations might be necessary. However, like the honourable member, I warn councils that wholesale amalgamations and a reduction in the number of councils from, say, 130 to about 40 would not be beneficial to local government. The operative word is "local". I believe that some small councils which have, say, 12 or 15 employees, two-thirds of whom are outside employees, are just as efficient and, in some cases, more efficient than the larger councils which have, say, 100 employees, such as some of the councils in my district. I believe that the more employees a council has the more room there is for a few dead-heads. I do not believe that the amalgamation of three councils into one council would always make for greater efficiency. I agree with the Hon. Mr. Hart in warning local government against doing anything too sweeping about the redistribution of council boundaries.

I express concern regarding the allocation for the Railways Department. I am concerned, as I believe all honourable members are, at

the railways deficit of $19,500,000, which is expected to increase to $22,500,000. I believe some reappraisal of the railways system not merely of South Australia but of the whole of Australia is urgently necessary in order that some of this very large deficit, not only in South Australia but also in other States, may be minimized. The railways should become more efficient and some lines (I emphasize "some", because some lines must be kept open, because of the size of the country) should probably be closed.

I am pleased to see the continuing improvement in the allocation for education, and I have no quarrel with the increase in expenditure from about $120,000,000 last year to nearly $140,000,000 this year. I also have no quarrel with the increased expenditure on community welfare. I was going to say something about the Electricity Trust, the fact that it shows a deficit, and that it is rumoured that charges will be further increased. After a long history of success, I hope that the position regarding the trust will be watched. However, the Hon. Mr. Geddes dealt with this matter in some detail. With those comments, I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for their prompt attention to the Bill and for their comments on it. There was a time when I used to think that debating the Address in Reply and the Appropriation Bill was like talking to the wall. Over recent years, Ministers have referred questions to their departmental heads, and I am continually obtaining replies to questions asked by honourable members who have put certain propositions to me. I have not had an opportunity yet to get replies to questions that honourable members have raised today, but considered replies will be given later. I was interested in the questions asked about the Electricity Trust and, as a good case was made by some honourable members, no doubt we will hear more about the trust. If any honourable member does not receive a reply to any point he has raised, I shall be only too happy to obtain it if he will let me know.

This Bill was debated in another place in two or three weeks and a number of questions were culled from various members' speeches. The Leader asked several questions, which I have had examined, and I will now detail them for the benefit of the Leader and other honourable members. Regarding gift duty, in 1970-71 and 1971-72, as several large gifts were assessed, receipts from gift duty were consequently well in excess of what can be expected in a normal year. In particular, as the Treasurer explained, there was one abnormally large single assessment in 1971-72. In 1972-73, we expect to see a return to a more normal annual yield. I think the Leader's comment was that the expected amount from gift duty this year would be nowhere near what was received last year.

Regarding community welfare, Aboriginal reserves, sale of farm produce, etc., the explanations for actual receipts on this line falling short of estimate last year and for the much lower figure for expected receipts this year are in the first place a drought at Koonibba reserve, which reduced grain sales, and secondly, as the honourable member suggested in his inquiry, the transfer of Point Pearce Reserve to the Aboriginal Lands Trust.

Regarding Minister of Roads and Transport, etc., road safety purposes, recoups and sundries, by far the largest item credited to this line is the recoup to the Budget from the Highways Fund of the net cost of the activities of the Road Safety Council. The net cost, and the consequent recoup, were high in 1971-72 because of the purchase of land for the safety training centre. This particular cost and recoup will not recur in 1972-73. Regarding motor vehicles, sundries, the higher estimate for 1972-73 includes receipts for a full year from insurance companies to recoup the department the costs of collecting third party insurance premiums. The scheme operated for only six months in 1971-72.

Regarding prices and consumer affairs, sundries, some officers of the Prices and Consumer Affairs Branch do not contribute in the normal way to the South Australian Superannuation Fund but instead contribute directly to Consolidated Revenue, and when they retire they receive pensions directly from revenue. One of these officers retired last year before reaching the statutory age and, in accordance with standard practice, was required to make a large contribution to revenue in order to buy a pension that would commence immediately. Receipts for 1971-72 were therefore artificially inflated, but are expected to return to a more normal level this year.

Regarding Registrar-General, fees for registration of transactions of real and personal property, in 1971-72 the number of documents requiring registration was in excess of estimate. It is expected that the number will again increase and, in addition, higher fees for registration are proposed to come into effect this year.

Regarding the Estimates of Expenditure, Department of the Premier and of Development, publicity and information for industrial promotion, the provision for 1971-72 included a considerable sum for a prestige publication on South Australia, the cost of which will not need to be repeated. Moreover, experience has indicated that it is preferable to establish specific targets for this kind of promotion rather than to attempt a wide cover unless huge sums are to be spent on saturation advertising. For this reason, the reappraisal of the sum previously budgeted seemed a sensible course of action.

Regarding the Department of the Premier and of Development, subsidies towards swimming pools, a new policy was announced by the Government the year before last on joint projects between the Education Department and local bodies for the provision of olympic-size swimming pools. The cost of subsidies for these pools is met from Loan Account and the introduction of the scheme has resulted in a reduction in the requirement for subsidies towards smaller pools on the more restricted basis, the cost of which is met from this line.

Regarding the Mines Department, Australian Mineral Development Laboratories, contribution towards operating expenses, the previous practice was for the Mines Department to contribute on behalf of all Government departments using the services of A.M.D.L. Under the new arrangements, departments will be billed directly by A.M.D.L. for services provided. The total usage of the services of A.M.D.L. by all Government departments is expected to be greater than last year. I thank honourable members for the attention they have given the Bill.

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

## DAYLIGHT SAVING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 3. Page 1719.)

The Hon. M. B. DAWKINS (Midland): I find this a difficult Bill to support. As honourable members know, I represent many primary producers who find that the provisions of daylight saving present problems. I appreciate that the Chief Secretary, in his second reading explanation which I have before me, commented on some of the difficulties experienced last year and mentioned that an approach had been made to South Australian Co-operative Bulk Handling Limited, and also that some possibilities were canvassed regarding the operation of schools at hours different from the actual time observed when daylight saving is in operation. Nevertheless, primary producers have experienced considerable difficulties when reaping at a time when the closure of the bulk store has been, in effect, 4 p.m., and when under certain conditions one can continue reaping until 8 p.m., provided one has the storage to hold the grain reaped. I am pleased to see that the Minister thinks some co-operation is likely to occur in the handling of this problem.

Considerable difficulty has been experienced with young schoolchildren who have been required to leave home at a very early hour to attend school. Here again, I understand the Government is willing to make possible some variation of hours so that this difficulty will be minimized. In South Australia we have already in permanent operation almost half an hour of daylight saving, and on the West Coast we have a permanent situation of effective daylight saving of about an hour. This movement to get a further hour of daylight saving takes those people on to what would appear to be about two hours of daylight saving. This is the very difficult situation under which they work, and this is a situation in which I can appreciate the comments made yesterday by the Hon. Arthur Whyte, who said that we are, in effect, already in a permanent state of daylight saving in South Australia. I note that the honourable member indicated his intention to move an amendment. Unfortunately, he is unable to be present today, but I am in sympathy with the sentiments he expressed yesterday. I shall be interested to hear, in due course, the comments of other members on this legislation.

The Hon. E. K. RUSSACK (Midland): Most of the advantages and disadvantages involved in the provisions of this Bill have been presented to the Council, and it is not my intention to cover them again in detail. Recently I have been approached by people who are concerned about daylight saving and the disadvantages to which they are subjected in some fields. I realize the necessity to conform with the Eastern States because of business associations, and because of travel, such as connecting airline schedules, but possibly the greatest advocates for daylight saving are those who enjoy more recreation and longer hours of leisure. On the other side of the ledger, the people most concerned are those with families, particularly in areas where children travel long distances to attend school.

I wonder whether as many people favour daylight saving as we are asked to believe. In this I include people in the metropolitan area. I was informed recently by a person who listens frequently to radio talk-back programmes that, from her assessment, many parents in the metropolitan area do not accept readily the daylight saving period because of difficulties in family life, particularly concerning children. We know that restaurateurs suffer adversely, as well as those involved in certain aspects of the entertainment industry, such as drive-in theatres, and so on. However, the main difficulty is probably experienced in the rural sector. Here there is a comparison between the majority who, in the main, accept daylight saving for the purposes of pleasure and recreation, and those who must accept it and as a result are faced with hardship. I commend the consideration given by the Minister in the second reading explanation. I accept that the Government, having considered the representations it has received from certain people and organizations, has decided that it is necessary to reintroduce this legislation. I accept the Minister's assurance that continued consideration will be given to those who find themselves in difficulty as a result of the reintroduction of daylight saving. I refer, for instance, to those in the dairying industry and those involved in education. I am pleased that the Minister of Education has expressed a liberal view and that the circumstances prevailing in isolated areas can be overcome with his blessing.

I commend the Hon. Mr. Whyte on the speech he made yesterday and on some of the points he made. In the main, I substantiate what he said. He foreshadowed moving an amendment providing that the legislation should be reviewed at the end of the 1972-73 daylight saving period. If this amendment is not passed, I understand that the Act will have to be amended to enable any alteration to be made, or be repealed. If this amendment is moved, I will support it. Again, I express my concern regarding the difficulties with which many people will be confronted if this legislation is passed.

The Hon. C. R. STORY (Midland): I rise to speak briefly to this measure and particularly to say that I will support the amendment to be moved by the Hon. Mr. Whyte. I realize that certain difficulties are involved in relation to this matter, having lived most of my life in a border town, where communication between places such as Riverland and the Sunraysia area are important to commerce. I refer also to the problems experienced, by the people who live at Bordertown, in relation to Mount Gambier, Kaniva and Port Fairy.

Those communities, however, are close together in time. At the most, only 70 or 80 miles separate the two large towns in those areas. In this legislation we are dealing with places not 70 or 80 miles apart but 800 miles apart, and the time difference between those places is considerable. This applies particularly to places west of Whyalla. America, which is much more sophisticated and more densely populated than Australia, has three time zones from its eastern to its western seaboard, so I cannot see why Australia cannot also have three time zones.

Because South Australia happens to be the meat in the middle of the sandwich, it is being asked to go all the way. If the Eastern States and Western Australia came some of the way, South Australia could be fitted into a more reasonable scheme. However, it is unreasonable for people living 500 miles to the west of Adelaide to have to conform to the situation applying to people who live 700 miles to our east, and that is precisely what it amounts to.

I support what the Hon. Mr. Whyte has said and hope that, by providing for an annual review, people at some stage of their legislative maturity will grow up sufficiently to fit us all into a logical pattern, instead of having eastern and western time zones under which it is terribly difficult to work. Indeed, nowhere else in the world would this be countenanced. South Australia has bent over backwards in this respect. Indeed, we have done so too much when one considers that the other States could come half an hour our way, enabling this State to fit in much more closely with Western Australia, which, after all, will certainly become a large buyer of South Australian goods. Its time lag will be equally as important to commerce in this State as is the time lag between South Australia and the Eastern States. I support the second reading so that I shall be able to support the foreshadowed amendment.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Repeal of section 6 of principal Act."

The Hon. M. B. DAWKINS: In the unavoidable absence of the Hon. Mr. Whyte, I move the following amendment standing in his name:

To strike out clause 3 and insert the following new clause:

Section 6 of the principal Act is amended by striking out the figure "1972" and inserting in lieu thereof the figure "1973".

This amendment has the effect of terminating the operation of the legislation on October 15, 1973. For many years, the operation of the prices legislation has been limited to one year so that it could be reviewed at the end of that year, and, if the situation was different, Parliament could act accordingly. No doubt, some advantage is to be gained from daylight saving. However, many disadvantages have been highlighted here, and I believe that the measure is still in an exploratory form. This amendment effects a similar time limit to that set last year.

The Hon. A. J. SHARD (Chief Secretary): The Government has considered this matter. As it is believed that the Eastern States are making this legislation permanent, we think it is preferable to follow suit rather than to introduce a Bill each year to renew the legislation. If it is necessary for it to be repealed or amended, that can be done. Having permanent legislation is preferable to reintroducing it year after year as a hardy annual.

The Committee divided on the amendment:

Ayes (8)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, and C. R. Story.

Noes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, R. C. DeGaris, C. M. Hill, F. J. Potter, A. J. Shard (teller), and V. G. Springett.

Pair—Aye—The Hon. A. M. Whyte.

No—The Hon. T. M. Casey.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill reported with an amendment.

Bill recommitted.

Clause 3—"Repeal of section 6 of principal Act"—reconsidered.

The Hon. A. J. SHARD: I ask the Committee to reconsider its attitude to this clause. I have been carrying rather a load today; I forgot that one Minister was overseas. The Government does not want to introduce similar Bills each year; it considers that this legislation as originally drafted should become permanent.

The Hon. F. J. POTTER: On a point of order, Mr. Chairman, having heard what the Chief Secretary has said, I think he should now move an amendment to restore the clause to its previous state.

The Hon. A. J. SHARD moved:

That the clause as amended be struck out.

The Committee divided on the amendment:

Ayes (8)—The Hons. D. H. L. Banfield, M. B. Cameron, Jessie Cooper, R. C. DeGaris, C. M. Hill, F. J. Potter, A. J. Shard (teller), and V. G. Springett.

Noes (6)—The Hons. M. B. Dawkins (teller), R. A. Geddes, L. R. Hart, H. K. Kemp, E. K. Russack, and C. R. Story.

Pairs—Ayes—The Hons. A. F. Kneebone and T. M. Casey. Noes—The Hons. G. J. Gilfillan and A. M. Whyte.

Majority of 2 for the Ayes.

Amendment thus carried.

The CHAIRMAN: The question now is that clause 3, as printed, be reinstated.

Question declared carried; clause reinstated.

Bill reported with further amendments. Committee's report adopted.

Bill read a third time and passed.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (HOMOSEXUALITY)

Adjourned debate on second reading.

(Continued from September 27. Page 1597.)

The Hon. C. R. STORY (Midland): I do not believe one needs to dwell unduly on the subject of homosexuality. One must acknowledge at the outset that it is inevitable that this matter will be raised at some stage in each Parliament in this country and probably in each Parliament in any free society. In introducing this Bill, the Hon. Mr. Hill has shown great courage and thought, and it is obvious that the Bill has stimulated much thought by honourable members. Since the introduction of the Bill, amendments have been suggested by outside organizations and by honourable members.

I have been present on several occasions when deputations have advocated something similar to what this Bill provides or something that goes even further. On the other hand, I have listened with great interest to the representations of groups that are very worried about the subject matter of the Bill. Like alcoholism, mental derangement and adultery, this is not a palatable subject to discuss, but it is a fact of life. Much has been said here and in various reports about the cure for the trouble under discussion. I think that equally as much if not more has been written about drug addiction and alcoholism, but these matters are entirely in the hands of the person who is addicted in any form. Much therapy can be given, but

it is a matter of whether the person can absorb the therapy and whether psychologically he is able to be rehabilitated by the therapy that is given.

For every one eminent psychologist and psychiatrist who has written about this subject and who has discussed it with honourable members, another comes forward with a counter proposition. I listened with much interest to the Hon. Mr. Springett and with equal interest to a number of other people who are skilled in this matter and who have had much practical experience. I do not relish the idea of making the commission of the act, which is the subject of this Bill, any easier. However, I do not think that, out of hand, we should condemn everyone who is a little different. There are many people walking about the streets today about whom I would have grave doubts and who might have doubts about me, but that is a matter of opinion.

As a result of my personal experience in the armed forces and of the committees on which I have served that dealt with this kind of social problem, I believe that some of us do not realize the terrific trauma and terrible weight of guilt which weighs these people down and which has a great effect on the way in which they live in our community. I intend to vote for the second reading in order to examine the amendments of the Hon. Mr. Hill and those of the Leader, who represents a different group of people. If we are not generous enough to vote for the second reading in order to examine the amendments, we will be guilty of not giving a greater opportunity for a more mature consideration of this problem.

I do not condone homosexual acts, but I have much sympathy for those people, whatever their frailty might be, and I do not refer to Leviticus or the Old Testament. I am a Christian and a follower of Christ, who was a person of great compassion. We should not go back to the Old Testament idea of "an eye for an eye and a tooth for a tooth" but should use the New Testament or something that is moral and orderly. We should be charitable enough to vote for the second reading.

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

*Later*:

The Hon. C. M. HILL (Central No. 2) moved:

That the debate on this Bill be now proceeded with.

Motion carried.

The Hon. L. R. HART (Midland) moved:

That this debate be further adjourned.

The Council divided on the motion:

The PRESIDENT: There is some confusion as to just what the position is at the moment and as to whether the division concerns a further adjournment or that the debate should now proceed. It affects one honourable member in particular. The question was put and he voted against his own wishes. Can any honourable member enlighten me on this matter?

The Hon. F. J. POTTER (Central No. 2): My understanding of the position is that the motion for Order of the Day Private Business No. 3 to be proceeded with was carried. The Hon. Mr. Hart then moved that the debate be further adjourned. That motion was put and the call was given in favour of the Noes, that is, against the further adjournment. The Hon. Mr. Hill, who obviously did not want the debate further adjourned, inadvertently, I think, called for a division, not realizing that the call had gone in his favour. As a result, we got into the difficulty we did.

The Hon. C. M. HILL: I wish to explain, Sir, that I called in error, and I regret the inconvenience I have caused.

The PRESIDENT: If the honourable member will withdraw his call, we can proceed.

The Hon. C. M. HILL: I do that most willingly.

The PRESIDENT: Order of the Day Private Business No. 3 is therefore before the Council. I call on the Hon. Mr. Hart.

The Hon. L. R. HART (Midland): I rise to speak to the Bill, and refer, first, to the following extract from the Hon. Mr. Hill's second reading explanation:

I believe the days are gone when politicians should talk platitudes and seek popularity and office by reference only to those matters which do not offend.

Regarding those remarks, it would be comparatively easy for one to vote for this Bill. In doing so one might gain the support of some sections of the community. It is far easier to talk in support of the Bill than against it. It takes courage to speak against it. Many people support the legalizing of homosexual acts between consenting male adults in private, but for different reasons. Some people believe that adults should have complete licence in their attitudes to moral issues. They believe they should be guided by their own conscience in these matters; in other words, if a person's conscience dictates that it is his right to indulge in a certain practice, he should be permitted to do so. Others say that homosexuality is not a moral issue but a medical problem. They

say that these people need help but will not seek it while they face the stigma of being branded law breakers. The Hon. Mr. Hill supported this contention in the second reading explanation, when, referring to the different groups categorized as homosexuals, he said:

The second group would be those who, wanting release from their present way of life, would come forward and seek discussion, communication, and, most importantly, medical treatment. Under modern psychiatry, if the patient is motivated to be cured, experts say that 30 per cent to 70 per cent of patients show major improvement.

Most of these people would not voluntarily come forward because of the fears of blackmail, moral persecution and breaking the criminal code. The Hon. Mr. Hill therefore believes that this is a medical problem and not a moral issue. Then, there are those people whose whole purpose in supporting the legalizing of homosexual acts is to corrupt society and to break down the established and accepted customs, replacing them with their own ideology. We have seen this system followed throughout the world by supporters of different ideological views. The hierarchy of the churches no longer oppose what they once regarded as moral degradation. The Hon. Mr. Hill also said the following in his second reading explanation:

The primary purpose of the imposition of criminal sanctions against homosexual acts is to enforce the wish of society that these practices be curbed, and, in particular, to protect minors from any ill effects which might stem from the existence of homosexuality within the community . . . Some fear removal of these sanctions might lead to even worse effects. It has been suggested that homosexual practices among existing homosexuals may become more common, that attacks upon, or seduction of, minors may increase, and, in general, that influences tending to turn people into homosexuals may become stronger.

I, too, have these fears. I believe that anything we do to relax the laws on homosexuality will tend to increase its incidence. I was recently told that male teachers in certain schools were soliciting the agreement of senior, and even junior, male students to commit homosexual acts. This is an area in which homosexuality could increase. Indeed, this is a fear that many parents would have.

It has been suggested that the law has no place in the bedroom. Admittedly, students attending school are under 21 years of age and, of course, would be exposed to the law if they agreed to engage in homosexual acts. However, parents would be most concerned if this practice was indulged in in schools. They would be very concerned for the welfare of their own children and would ask that the law itself become interested in what was happening in bedrooms, and schools also. Once we accept in principle that consenting adult males may practise homosexual acts in private, there will be pressure for further relaxation of the law.

This has happened time and time again with other social issues. In a recent weekend newspaper, there was an article headed "Homosexuals 'to marry legally' in 10 years". The author of the article was Mr. Altman, a lecturer in the Department of Government at Sydney University and also author of the controversial book *Homosexual Oppression and Liberation*. Mr. Altman made this point:

Our ideal is a community where distinctions between homosexuals and heterosexuals are not made.

In other words, we face a situation where within a decade we shall be asked to legalize the marriage of homosexuals. What then would be the attitude of honourable members now prepared to relax the law to the pressures that will be applied for legalizing the marriage of homosexuals? There has been much lobbying about this Bill. The lobbying in support of it has been very well organized. On several occasions it was interesting to note that, when people opposing the Bill came to see honourable members of this Council, immediately there were delegations also from people holding opposite views.

The Hon. D. H. L. Banfield: That would not be unusual.

The Hon. L. R. HART: It is not necessarily unusual but the degree of lobbying has not been as great on any other issue in recent times as it has been on this one, and it is fairly evident that the lobbying on this occasion was organized lobbying by either one group or another. I have a submission by a prominent medical man, and one part of it refers to the pathological family background. The submission states:

Against this it is said, "Psychiatrists claim that homosexuals come from families where the mother dominates the father. Again, no evidence in terms of who. It is true this used to be said but the relationship has been shown to be more complex than that and consequently the further objections lose their force."

So what we once accepted as a reason why a person indulged in homosexual acts is no longer accepted by people in positions where they can study the situation with regard to homosexuals. Therefore, we reach the point where I believe we do not know sufficient about the background of many homosexuals.

I believe (and this suggestion has been made by the Hon. Mr. Dawkins) that more information should be available to honourable members if they are required to make up their minds on this issue. I do not believe I am capable of making a logical decision on it. Whatever decision I make I know will be opposed by one section of the community and approved by another section, but who is in a position to say that one or the other is right? It has been suggested that perhaps we should be charitable enough to let this Bill go through on the second reading so that amendments can be made to it. That may sound very well but who knows that any amendments that may be made to this Bill will introduce those safeguards that most people require? A further study of this whole matter should be made in Australia. Other countries have adopted similar legislation, books have been written about homosexuality, and much information is available about the situations in other countries with a long historical background dating back over the centuries; but Australia is a comparatively young country and has not been involved in many of these social situations as long as other countries have.

Here, the situation as regards homosexuality could well be different. I accept what several other honourable members have said that, if we can, we should do something for these people, but what we do for them must be the right thing, not something that we as a group of 20 people in this Chamber believe to be the right thing. After all, our judgment on this issue can be upset by its emotional aspects. If Dr. Duncan had not been drowned in the Torrens River, we might never have seen this legislation before us. It is this emotional aspect that is colouring all the discussions on this Bill that concerns me. As the hour is getting late, I ask leave to conclude my remarks.

Leave granted; debate adjourned.

## MARKETING OF EGGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 3. Page 1720.)

The Hon. M. B. CAMERON (Southern): I support the second reading, but I do not intend to go into the Bill in detail. Changes are needed regarding the marketing of eggs, because of over-production, and one of the ways to overcome this problem is to have a more positive marketing policy. If the introduction of a more positive marketing policy leads to a reduction in the price of the commodity to the consumer, it must lead to greater use of the commodity by the consumer. If the price of eggs can be reduced, it will lead to a greater consumption throughout the community. Eggs are a good food, and one that is common in most families. However, eggs cost the average family too much, certainly compared to what the producer receives. I do not have the confidence of the Minister, who said that, as a result of this Bill, the price of eggs would be reduced. Under clause 6, an "eligible candidate" for election to the board must be a person who keeps no fewer than 500 hens in the electoral district for which he is entitled to vote. New section 4c (1) provides:

> A person shall be eligible to stand for election to the board if his name is included on the roll of electors for any electoral district and—
>
> (*a*) if—
>
> (i) he has on his own account marketed through the board or an agent of the board during the year (being a period of twelve months beginning on the first day of January) immediately preceding the day of his nomination for election the equivalent of 10 dozen eggs per leviable hen;

I wonder whether that provision is not a little restrictive, because I foresee the situation arising of a person who may have a batch of hens that has not reached the normal standard from hatching and, during the period of 12 months, does not produce the necessary number of eggs in order to make him eligible. As I read the section, it seems to me that every hen on the place must produce about 120 eggs.

The Hon. D. H. L. Banfield: Or the axe falls.

The Hon. M. B. CAMERON: Yes, and he would not be entitled to be an eligible candidate. I am not sure that that is the intention of the legislation, because it would be a terrible thing for a producer to have to urge his hens to get into gear, otherwise he could not be a member of the board.

The Hon. D. H. L. Banfield: They might attempt to alter the quota.

The Hon. M. B. CAMERON: That is quite right. I should like the Minister to explain why this clause mentions a certain number of eggs for each hen. It would be better to state a total quantity of eggs. I was interested in the views put forward by the Hon. Mr. Springett regarding the cleanliness of eggs. This is an important provision in any legislation, particularly in relation to any food.

Over the years, some significant hardships have been suffered through the extremely tight

controls placed on the egg industry, especially in areas such as the Mallee where, in years gone by, many producers marketed eggs as a sideline to their main activities. No doubt the situation has been made very difficult for these people, and many of them no longer produce eggs. That is a thing of the past; I hope this Bill does not go any further in depriving these people of the opportunity to earn a separate income from the production of eggs using, perhaps, secondgrade grain not acceptable to the Wheat Board. I support the second reading and I look forward to hearing an explanation of the queries I have raised.

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

## ADJOURNMENT

At 5.9 p.m. the Council adjourned until Tuesday, October 10, at 2.15 p.m.