LEGISLATIVE COUNCIL

Tuesday, August 21, 1973

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

NEW MEMBER FOR SOUTHERN DISTRICT

The Hon. John Charles Burdett, to whom the Oath of Allegiance was administered by the President, took his seat in the Council as member for the Southern District in place of the Hon. Henry Kenneth Kemp (deceased).

SOUTHERN DISTRICT BY-ELECTION

The PRESIDENT: I have to report to the Council the receipt of the following letter from the Deputy Premier and Minister of Works:

I acknowledge receipt of your letter dated August 10, 1973, in reply to my request of August 8. Thank you for the comprehensive report which you have provided as a result of your inquiries. However, having examined the matter carefully, I do not propose to take any further action.

Yours faithfully,
(signed) J. D. Corcoran,
Deputy Premier and Minister of Works.

QUESTIONS

ZONE 5 SETTLERS

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

Leave granted.

The Hon. R. C. DeGARIS: I briefly crave the indulgence of the Council and your indulgence, Mr. President, to welcome to the Council the Hon. John Burdett, the recently elected member for the Southern District. I am certain that the Hon. Mr. Burdett will make his mark on the Parliament of South Australia, and I wish him well in his future career. Last week I directed several questions to the Minister of Lands concerning war service perpetual lease rentals. The following is part of the reply that I received from the Minister:

All I am prepared to say is that it was a negotiated settlement between three parties: the Commonwealth Government, the South Australian Government represented by me, and the settlers themselves. However, I am not at liberty at present to divulge the whole of the negotiations that took place and the basis on which final settlement was reached without the approval of the other parties to the agreement.

Will the Minister approach the other parties to ascertain whether the details of those negotiations can be made available to this Council, particularly the reasons why the Commonwealth Government and the State Government decided to approve the reductions in rentals?

The Hon. A. F. KNEEBONE: Yes.

RESCUE SERVICES

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. R. A. GEDDES: Recently the prawn trawler *Penguin* caught fire and subsequently sank near Elliston, off Eyre Peninsula. After sending several mayday signals, the crew abandoned ship in an 8ft. (2.43 m) dinghy. A search aircraft found the dinghy and dropped a message to inform the crew that a rescue vessel was approaching. The pilot of the aircraft, when seeking some means of dropping a message to the men in the dinghy, could find only a match box, a rubber band, a strip of rag, and a piece of paper in the cockpit. With this meagre equipment he was able to drop a message within 2ft. (0.61 m) of the dinghy—a creditable performance. Will the Government take up with the Commonwealth Department of Civil Aviation the suggestion that all light aircraft that may be used for search and rescue work be provided with equipment in the cockpit suitable for dropping messages when necessary in future emergencies?

The Hon. A. F. KNEEBONE: Before replying to that question, I should like to crave the indulgence of the Council to express my thoughts regarding the Hon. John Burdett. Government members welcome him here and support what was said by the Leader; we hope his stay in this Council will be to his benefit and to the State's benefit. We do not say that we will make it easy for him, but that does not lessen the sincerity of our welcome to him. In reply to the question, I agree with the Hon. Mr. Geddes that it was a great achievement by the pilot to do as well as he did in the circumstances, and I will make the representation that the honourable member requested.

ABATTOIRS

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to my recent question about wages for abattoir staff?

The Hon. T. M. CASEY: The General Manager of the South Australian Meat Corporation has informed me that no over-award or service payments have been granted to abattoirs award employees during the last three months and that no representations for similar payments have been received from salaried employees.

RABBITS

The Hon. A. M. WHYTE: Has the Minister of Health a reply to my question of July 24 about the control of rabbits in national parks?

The Hon. A. F. KNEEBONE: The honourable member has addressed his question to the wrong Minister.

The Hon. A. M. Whyte: The note I received is from the Minister of Agriculture.

The Hon. A. F. KNEEBONE: I agree that the note was put in the wrong bag; it should have been put in the bag of the Minister of Health, who represents the Minister of Environment and Conservation, but I will give the reply. The Minister of Environment and Conservation has informed me that, as a result of the good conditions which have prevailed during the past 12 months, there appears to be a considerable increase in rabbit numbers throughout the State. This is a matter of concern to the Environment and Conservation Department, and efforts are being made at present by ranger staff to assess the situation, not only in the Flinders Range, but also in other districts. Rabbit control within national parks and other areas of natural vegetation is a difficult process, but continuing action is taken by departmental staff, in co-operation with officers of the Vermin Control Branch of the Lands Department, to retain rabbit numbers at a reasonable level. To assist in the effective control of rabbits, several national park rangers have been trained as vermin control officers, and every possible acceptable control measure is being used. The trapping of rabbits in parks and reserves is permitted under licence, but the carrying or discharging of firearms within, or into, a park by a member of the public is an offence under the National Parks and Wildlife Act, 1972.

The Hon. A. M. WHYTE: Part of the reply given to me just now in answer to my question about the control of rabbits in national parks and wildlife sanctuaries was:

Rabbit control within national parks and other areas of natural vegetation is a difficult process, but continuing action is taken by departmental staff, in co-operation with

officers of the Vermin Control Branch of the Lands Department, to retain rabbit numbers at a reasonable level.

It is a demand of the Lands Department that landholders eradicate rabbits, and it seems strange that national parks and wildlife people need only retain rabbit numbers at a reasonable level. Is there some explanation of this?

The Hon. A. F. KNEEBONE: The honourable member has raised an interesting point. I can only say that, apparently, the reply was drafted by national parks staff and not by officers of the Vermin Control Branch of the Lands Department. I should think that a "reasonable level" would be no rabbits.

WEEDS

The Hon. Sir ARTHUR RYMILL: I seek leave to make an explanation prior to asking a question of one of the Ministers.

Leave granted.

The Hon. Sir ARTHUR RYMILL: If the Hon. Mr. Whyte was confused about the Minister to whom he should have addressed his question, I am even more confused. My question relates to a question I asked on August 7 about weeds on the South-Eastern Freeway. I thought it was probably a matter for the Minister of Agriculture, it was answered by the Minister of Health (representing the Minister of Transport in another place), and I believe that the Chief Secretary is now the acting Minister of Transport. So I address this question to the relevant Minister. I had a very satisfactory answer to the one I asked previously on this subject, and if my question had anything to do with the results they have been very quick and dramatic; something has been done. I noticed particularly African daisy growing in profusion in parts, and also Salvation Jane. Some of these things have been since dug up, but others have been rather mistaken. I think I have seen workmen pulling out certain things that are not noxious weeds at all. However, that is by the way. I am most gratified to notice that people are now spraying weeds along the highway. The answer I received to my question was that a Bill was to be introduced to put the control of weeds on the freeway under the Highways Department, which is very right and proper because abutting owners are kept off freeways, whereas normally they have a responsibility. Having seen the spray going on, I want to ask these questions: what spray is being used; what weeds is it being used on particularly (because there is a variety of them); and also at what strength is the spray being applied?

The Hon. T. M. CASEY: I shall obtain the information for the honourable member and bring back a reply as soon as it is available. I am pleased that the honourable member is conversant with the situation and that his powers of observation are such that he knows that, when he asks a question in this Council, the Government reacts as quickly as it has done in this case.

STANDARD GAUGE RAILWAY

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: I refer to the delay in finalizing arrangements to construct a standard gauge rail link between Adelaide and the existing east-west line. After the Labor Government had been in office in this State for more than 12 months, in July, 1971, the Government's intentions were enunciated in the Governor's Speech, which said on this subject:

Agreement has now been reached with the Commonwealth Government for the connection of Adelaide to the Sydney-Perth standard gauge rail system, and my Government intends introducing a Bill to ratify the agreement.

Some 12 months later, in July, 1972, the Government's programme was set out as follows:

South Australian Railways officers, together with a group of consulting engineers, are preparing a master plan for the new standard gauge railway to link Adelaide and its major industries with the existing Australia-wide standard gauge network. Estimates for the project are expected to be completed by August this year.

At the beginning of the current session the Government's plans were set out as follows:

My Government expects that finality will be reached in negotiations with the Commonwealth Government relating to an agreement for the construction of a standard gauge railway line to Adelaide. Once agreement is reached appropriate enabling legislation will be placed before you.

These discussions between the Labor Government in South Australia and the Commonwealth being in their fourth year, and obviously agreement having been expected before now, what are the reasons preventing finality so that Adelaide can be joined to the other major capital cities of Australia by a standard gauge rail service?

The Hon. A. F. KNEEBONE: I shall get a report from the department and give the honourable member as much information as I can on this subject as soon as possible.

INDUSTRIAL INSPECTORS

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. A. M. WHYTE: Some publicity has been given by the press and various other media during the last fortnight or so about the role of industrial inspectors throughout South Australia. My question is, how many industrial inspectors are there in South Australia; are they appointed, or are they chosen from applicants; and what are the necessary qualifications of an industrial inspector?

The Hon. D. H. L. BANFIELD: I will seek a reply from my colleague in another place and bring it down as soon as possible.

OCCUPATIONAL HEALTH DOCTORS

The Hon. V. G. SPRINGETT: Will the Minister of Health tell me how many occupational health doctors are employed in this State?

The Hon. D. H. L. BANFIELD: I will get a reply for the honourable member and bring it down for him.

FRANCES POLICE STATION

The Hon. R. C. DeGARIS: I understand the Chief Secretary has a reply to my recent question concerning the Frances police station.

The Hon. A. F. KNEEBONE: The Frances police station was closed on August 3, 1973, following an extensive survey which established that its continued operation could not be justified on the basis of workload and in view of alternative availability of police from Naracoorte. Frances is situated 24 miles (38.6 km) north of Naracoorte and 31 miles (49.8 km) south of Bordertown. There are no secondary industries and the workforce, apart from farming and grazing activity, is engaged in public utilities and stores servicing the requirements of the resident population.

The population of the Frances police district has declined from 630 in 1966, to 562 in 1971, according to the Commonwealth Bureau of Census and Statistics. This population is concentrated in three main areas: Frances—35 per cent; Kybybolite—35 per cent; and Binnum—10 per cent. The three localities are linked to Naracoorte by a

good surface bitumen road permitting all season accessibility. The relative distances from the alternative policing facilities are:

Locality	From Frances	From Naracoorte
Frances . . .	—	24 miles (38.6 km)
Binnum . . .	6 miles (9.7 km)	18 miles (28.9 km)
Kybybolite .	12 miles (19.3 km)	12 miles (19.3 km)

The closure of Frances does not significantly affect either Binnum or Kybybolite, because Naracoorte police provide as good a service. The survey indicated that district crime and the police workload for the Frances police district has declined to a point where the retention of a resident police officer could no longer economically or for any other reason be justified. In addition, the police building at Frances is in poor structural condition and badly cracked. The retention of a resident police officer would require its replacement at considerable cost which is not warranted.

It has been judged that an equal service will be afforded by the police from Naracoorte. Instructions have been given for frequent regular patrols by Naracoorte police to Frances to service the routine needs of residents there. Additionally, irregular patrols have been instituted to give the necessary level of protection to residents. The staff at Naracoorte has been supplemented for this purpose and I am confident that the needs of the community at Frances will be adequately met by these positive alternative arrangements.

PACKAGING

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. B. A. CHATTERTON: I have received several complaints from constituents about the packaging of agricultural chemicals. Will the Minister investigate in particular two types of complaint that I have received? One concerns a dangerous liquid pesticide used in horticulture that is marketed in bottles which are liable to break so that the chemicals can escape. That is a hazard particularly when they are used in glasshouses. The other type of complaint I have received concerns valuable powders used in the seed-growing industry for controlling weeds; they are packaged in paper bags. So we have the strange situation where $10 worth of chemical can be packaged in a paper bag worth only a few cents. Will the Minister look into these matters for me?

The Hon. T. M. CASEY: I shall be only too happy to do that and let the honourable member have a reply. I draw his attention to the fact that most of these chemicals have been placed in these containers for several years and it is most unusual that a report of this nature should come forward now. Perhaps people in the past took more care in the way in which they handled these containers than people do in these days, unfortunately. The honourable member has raised a valid point, which I will ask my officers to investigate.

GILLES PLAINS SPECIAL SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Gilles Plains Special School.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That leave be granted to the Joint Committee on Subordinate Legislation to sit during the afternoon of Thursday, August 23, 1973, while this Council is in session.

Motion carried.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF PORT PIRIE ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

This short Bill is introduced at the request of the Young Men's Christian Association of Port Pirie. This association was incorporated by Act No. 1349 of 1918, which was subsequently amended in 1951. The substance of the request from the association is that the proviso to section 8 of the 1918 Act be removed. This proviso has had the effect of limiting the amount that may be raised by the association by way of mortgage, on certain lands vested in the association, to $6,000. At present the association is embarking on a campaign to raise funds to build a new complex, which is to include an additional sports area, a canteen and administration centre, a film room, a discussion room and a centre for other activities. Already, the association has funds in hand of about $9,000, and indications are that it will receive a grant from the Community Welfare Grants Advisory Committee towards the project.

Since the total cost of the project is likely to be about $34,000, it is clear that at least some of this amount will have to be raised by a mortgage of lands vested in the association by the 1918 Act. It is in this regard that the association feels, and the Government agrees, that the limitation imposed by the proviso is unnecessarily restrictive. Accordingly, its deletion is now proposed. This Bill itself has only one operative clause, clause 2, which provides for the deletion of the proviso already referred to. This Bill has been considered and approved by a Select Committee in another place.

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

MONEY-LENDERS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It is consequential upon the amendments proposed to the Consumer Credit Act. As it is now proposed that that Act should not be brought fully into operation on the one day, it is desirable that the provisions of the Money-lenders Act should remain in operation for a limited transitional period. It is proposed that the licensing provisions of the Consumer Credit Act should be brought into operation as from September 3. The amendment to the Money-lenders Act accordingly provides that a person who was previously licensed under the Money-lenders Act and is licensed under the Consumer Credit Act shall be deemed to be licensed under the Money-lenders Act. This will avoid the inconvenience of dual licensing requirements.

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

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the Consumer Transactions Act. The first of these corresponds to the amendment proposed to the Consumer Credit Act under which the Governor may suspend the operation of specified provisions of the Act. An amendment is made extending the operation of Part VI of the Act to contracts, agreements, mortgages and other securities made or given before the commencement of the Act. This amendment is considered desirable to enable the tribunal to grant relief to consumers where their problems arise in the near future and it is likely that the relevant contract or security was executed before the commencement of the new Act. An amendment is made to the definition of "consumer credit contract" extending the definition to cover contracts of up to $20,000 where security is taken over land. The Act should now cover the average loan taken for the purpose of purchasing a house. Perhaps the most significant amendment to the Act is the insertion of a regulation-making power under which the Governor may, for the purpose of promoting simplicity and uniformity of expression in consumer contracts, credit contracts and consumer mortgages, prescribe terminology for use in such contracts and mortgages and provide that, in the absence of evidence of a contrary intention, that terminology shall when appearing in any such contract or mortgage bear an interpretation stipulated in the regulations. It is hoped that suppliers of goods and services and credit providers will make use of the regulations so that contracts and mortgages can be made that avoid complicated legal phraseology and are readily intelligible to consumers.

Clauses 1 and 2 are formal. Clause 3 provides that the Governor may suspend the operation of specified provisions of the Act. Clause 4 provides that Part VI of the Act, which enables the tribunal to grant relief under consumer contracts, consumer credit contracts and consumer mortgages, will apply generally to agreements and securities made or given before the commencement of the Act. Clause 5 amends the definition of "consumer credit contract" in the manner that I have outlined above and makes other minor amendments to the definitions. Clause 6 amends section 6 of the principal Act which deals with the application of the Act. The amendments provide that the Act shall apply to a consumer contract where the goods or services are delivered or rendered in this State; to a consumer credit contract where the consumer receives the credit, or the use or benefit of the credit, in this State; and to a consumer mortgage where the goods subject to the mortgage are situated in this State. Clause 7 amends section 20 of the principal Act. This amendment relates to the variation of a consumer lease and corresponds to the amendments proposed to sections 40 and 41 of the Consumer Credit Act.

Clause 8 amends section 22 of the principal Act to provide that there shall be no appeal from a decision of the tribunal fixing the place at which a consumer may return goods subject to a consumer lease and thus terminate the lease. Clauses 9 and 10 take certain powers from the Commissioner for Prices and Consumer Affairs. These powers will be exercised in future by the Registrar. Clause 11 amends section 39 of the principal Act to make clear that the contract of insurance to which Part VII of the Act applies is a contract of insurance over goods. Clause 12 amends section 50 of the principal Act. The arbitral powers which were according to the original plan to be exercised by the Commissioner for Prices and Consumer Affairs will be exercised by the Registrar. Consequently an amendment is made to paragraph (*d*) of subsection (2). The new paragraph is inserted providing that the Governor may prescribe terminology for use in consumer contracts, credit contracts and consumer mortgages and provide that the prescribed terminology shall, when so used, bear an interpretation prescribed in the regulations.

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

CONSUMER CREDIT ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It makes a number of amendments to the Consumer Credit Act, 1972. The immediate need for the Bill arises from the fact that a number of credit providers affected by the Consumer Credit Act have not yet completed necessary preparations for operating under its provisions. It is therefore necessary to introduce the new Act in stages. The Bill enacts a provision enabling the Governor to suspend the operation of certain provisions of the Act. The Government proposes that the licensing provisions will be brought into operation and, during a transitional period, a person licensed under the Consumer Credit Act will be deemed to be licensed also under the Money-lenders Act.

Soon after the enactment of the new legislation, a committee under the chairmanship of Judge White was set up to draft regulations and make the necessary arrangements for the administration of the new legislation. This committee has done much valuable work. In subjecting the legislation to close and detailed scrutiny, the committee has arrived at some new ideas for inclusion in the legislation together with a few suggested improvements. A number of amendments are therefore introduced to give effect to the committee's recommendations. The major amendments relate to the procedures and administration of the tribunal. It is now proposed that the Registrar of the tribunal should be a special magistrate. He will be empowered under the provisions of the Bill to exercise the jurisdiction of the tribunal in various minor matters. This will greatly facilitate the disposal of business by the tribunal. The Bill also contains significant amendments providing for a credit provider to give notice to the consumer of his rights upon variation of a consumer credit contract and extends the provision relating to the publication of advertisements.

Clauses 1 and 2 are formal. Clause 3 enables the Governor to suspend specified provisions of the Act until a day fixed in the suspending proclamation, or a day to be fixed by subsequent proclamation. Clause 4 makes a consequential amendment to the Money-lenders Act. Clause 5 makes some minor amendments to definitions in the principal Act. The definition of "statutory rebate" is amended so that the simple interest formula is rendered applicable to any contract under which interest is calculated at periodic intervals. At present it is applicable only where simple interest is calculated on the balance outstanding at monthly intervals. Clause 6 amends a clerical error in section 6 of the principal Act and makes an amendment consequential on the amendments proposed to section 54 of the principal Act.

Clause 7 amends section 8 of the principal Act. This section deals with the delegation of powers by the Commissioner for Prices and Consumer Affairs. There has been some question about whether the delegate has to be

mentioned specifically by name or can be identified by reference to his office. The clause makes it clear that he can be identified by reference to his office in the regulation or the instrument of delegation. Clause 8 amends section 13 of the principal Act. This section deals with the membership of the tribunal. A small amendment is made making clear that, in choosing some person to represent consumers, the Minister is to choose someone who represents the interests of the whole class of persons for whose protection both the Consumer Credit Act and the Consumer Transactions Act were enacted.

Clause 9 amends section 18 of the principal Act. The amendment enables the Chairman of the tribunal to delegate his jurisdiction to the Registrar in any range of matters in which the Chairman has independent jurisdiction. If, however, any party to proceedings before the Registrar objects to the Registrar exercising a delegated jurisdiction, the Registrar is required to refer the proceedings to the Chairman for hearing and determination. Clause 10 provides that the Registrar may issue a summons on behalf of the tribunal. It also provides that the offences set out in section 21 shall be punishable by the tribunal in the same manner as a contempt of court. Clause 11 amends section 22 of the principal Act to enable the tribunal to make an order for costs at any appropriate stage of the proceedings before it.

Clause 12 amends section 23 of the principal Act to provide that, where the tribunal has made a decision or order in any proceedings, a party to the proceedings may request the tribunal to supply written reasons for its decision or order. The tribunal is required to comply with any such request. Clause 13 provides that the Registrar of the tribunal is to be a special magistrate. The Registrar's powers and functions are to be defined by regulation. The Registrar is empowered to delegate any functions of a clerical nature assigned to him to any person approved by the Chairman. Clause 14 amends section 39 of the principal Act to provide that a licensed credit provider may operate without an approved manager personally supervising the business of the credit provider for a period of up to 28 days. Clauses 15 and 16 make parallel amendments to sections 40 and 41 of the principal Act. The notice that the credit provider is required to give to the consumer must contain information about the consumer's rights under the Consumer Transactions Act, as well as his rights under the Consumer Credit Act. The credit provider is also required to serve a notice on a consumer setting out in a clear and concise manner the effect of variation of a credit contract.

Clause 17 amends section 54 of the principal Act. This section is at present limited to the publication of advertisements by or on behalf of credit providers. The section is amended to deal with the publication of advertisements relating to the provision of credit by any person. Provisions are inserted to facilitate proof of any stipulations made by the Commissioner to which the advertisements must conform. New subsection (5) makes clear that the new section is to apply to any person whether or not he is entitled to exemption from other provisions of the Act. Clause 18 amends section 57 of the principal Act. The criminal liability for making false statements to a credit provider with a view to procuring credit is made generally applicable to any person. Clause 19 amends the regulation-making powers of the principal Act A new provision is inserted for enabling the Governor to confer on the Chairman any jurisdiction of the tribunal. The Governor is also empowered to prescribe the powers, discretions and functions of the Registrar.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It amends the Planning and Development Act, 1966-1972, with a view to preparing it for consolidation and reprinting under the Acts Republication Act. Clauses 2, 3 and 4 amend sections 2, 21 and 36 respectively by merely updating the provisions of those sections. Clause 5 (*a*) makes certain consequential amendments to subsections (2) and (3) (*b*) of section 41 following the change of policy intended by section 15 of the Planning and Development Act Amendment Act (No. 3), 1972, whereby interim development control of land is now to be effected by regulation rather than by proclamation as in the past.

Clause 5 (*b*) inserts in section 41 a new subsection (4a), which has the effect of preserving the effect of all proclamations made under that section before the 1972 Act came into operation and (because of the omission in that Act of the consequential amendments made by clause 5 (*a*)) of validating any regulations that could possibly be of doubtful validity made or purporting to have been made under that section since that Act came into operation. Accordingly, new subsection (4a) provides, in effect, that any proclamation made under section 41 as in force before the commencement of the 1972 amending Act and any regulation made or purporting to have been made under that section before this Bill becomes law have effect according to their tenor as though: (*a*) they (that is, the proclamation and the regulation whose validity could be in doubt) were in fact regulations made under section 41; and (*b*) Part V (consisting of sections 40 and 41), as amended by the 1972 Act and this Bill, had been in operation when those regulations were made. This provision would enable the policy approved by Parliament when the 1972 amending Act was passed to be given full effect.

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

MARGARINE ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Margarine Act, 1939-1956.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

It arises from an agreement between the Ministers of Agriculture in the States of the Commonwealth that the quotas for the production of table margarine be increased. The increase in quota for South Australia agreed at that time was from 528 tons (536.4 t) to 700 tons (711.2 t). A close metric equivalent of this latter figure is 712 t. Clause 1 is formal. Clause 2 amends section 16 of the principal Act which provides that no licence under that Act shall be granted to any premises situated within 100 yards (91.44 m) of a butter factory. This figure has, by this clause, been altered to 100 m.

Clause 3 repeals and re-enacts section 20 of the principal Act which deals with quotas for table margarine. Subsection (1) of clause 20 provides two definitions which are substantially the same as were contained in the original section 20. Subsection (2) permits the Minister to specify the maximum quota for table margarine that may be

manufactured in the State during the period specified in the notice; the period is generally one calendar year. Subsection (3) is formal. Subsection (4) provides that the notices should be published in the *Gazette* not less than one month before it is expressed to come into operation and, in fact, these notices are published in the *Gazette* in November in the year preceding the year in which they are to come into operation. Subsection (5) makes it an offence to manufacture margarine in excess of the quota.

Subsection (6) makes it an offence to sell margarine in excess of the quota, but subsection (7) provides that amounts from previous quotas may be sold during any quarter. Subsection (8) limits the total amount that may be manufactured in this State in any period of 12 months to 712 t. Subsection (9) is a transitional provision. Subsection (10), in effect, increases the quota that may be manufactured in this State during the last nine months of this calendar year by one-quarter, which is equivalent to an increase of one-third for a full year. The reason for this increase is to ensure that manufacturers of margarine in this State are not placed at a disadvantage compared to manufacturers of margarine in the other States of the Commonwealth. Since the decision to increase quotas was taken in February of this year, it seems equitable that the increase should have effect for the last three quarters of this year.

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

STOCK MEDICINES ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Stock Medicines Act, 1939. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

It makes a number of disparate amendments to the principal Act, the Stock Medicines Act, 1939, as amended, and can probably be best explained by a consideration of its clauses in detail. Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act which relates to definitions and inserts a definition of "expiry day" which is consequential on the establishment of a new, rather longer, registration period for stock medicines. It also inserts a definition of "registration period" which again is consequential upon that proposal and finally this clause amends the definition of "sell" to make it clear that "sell" includes, in the context of this Bill, advertising for sale. Clause 4 amends section 4 of the principal Act which sets out certain exemptions, and this amendment is to make it clear that stock medicines prescribed and compounded at the direction of a veterinary surgeon will be exempted from the Act. In its original form the scope of this provision was not entirely clear. Clause 5 amends section 7 of the principal Act which provides for the registration of stock medicines. By this clause and clause 7 it is proposed that the registration period for stock medicines will be increased from one year to three years. This should result in greater convenience of administration of the Act and impose a somewhat reduced burden on those whose duty it is to have all medicines registered. Consequential on the establishment of this longer period there is proposed an increase in the fee for registration. The fee will be $15 for three years, with a system of *pro rata* reduction for registrations which extend over a lesser period.

Clause 6 repeals section 8 of the principal Act which preserved the confidentiality of information provided by the Stock Medicines Board relating to its consideration of the registration of stock medicines. Everyone would agree that in this area confidentiality should be preserved, and there is no doubt in the Government's mind that it will be so preserved. However, the existence of this provision has somewhat inhibited the proper exchange of information between the States, particularly where it is a possibility that a substance at first thought to be harmless but later found to be deleterious was being used in stock medicines. On balance it is thought better that this provision should be removed since it goes without saying that exchanges of information between official bodies are of vital importance if full effect is to be given to the purposes and objects of the principal Act. Any improper disclosure of information can, of course, be dealt with under the Public Service Act. Clause 7 amends section 10 of the principal Act and is intended to relieve the chief inspector of the duty of publishing the register of stock medicines in the *Gazette* each year. This publication is quite expensive and in fact serves little purpose. New subsection (2) provides that the register shall be properly maintained and available to the public. This clause also contains amendments consequential upon the proposal to establish a three-year registration period.

Clause 8 repeals section 14 of the principal Act which over the years has been shown to have had no practical value and merely to have imposed a quite unnecessary burden on dealers in stock medicines. In its place a new section 14 is proposed. This new section sets out the grounds on which the registration of a stock medicine may be cancelled. It is suggested that the grounds are self-explanatory but I would advert specifically to the ground related to in paragraph (*d*) of subsection (1) of proposed new section 14. This provision is directed specifically at the protection of our export markets and is intended to deal with the situation where the country to which our exports are directed places or threatens to place an embargo on animal products affected by certain chemicals that may be used in stock medicines. It is quite clear that action in this case must be swift and uniform throughout the Commonwealth. Clause 9 amends section 15 of the principal Act and somewhat enlarges the categories of persons who shall be competent to undertake analysis of stock medicines. Clause 10 amends section 19 of the principal Act which contains the general power to make regulations. The new heads of power, it is suggested, are self-explanatory and in the nature of things regulations made under these heads will be subject to the scrutiny of this Council.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 337.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill. The second reading explanation of the Minister gave all the information necessary, but I simply remark that, although very few people would know of the existence of the Weights and Measures Act, nevertheless it affects everyone in the community, since nearly every transaction made daily, both in selling and in purchasing, is dependent on weight or measure. The amount of household goods bought by the average family each week is protected by the provisions of the Act. In 1971 the existing Act came into being, following the repeal of the Act that had been in existence before that time. Parliament, the Government, and the officers of the department administering the. Act had in good faith introduced certain measures in the expectation that they would be acceptable to the National Standards Commission of the Commonwealth.

It was intended that the provisions of the various Acts should be as uniform as possible throughout the Commonwealth, because trade takes place between the States and goods manufactured in one State are often sold in other States, so it was an advantage to have uniformity in weights and standards throughout Australia. There is therefore no blame attaching to the South Australian Parliament for accepting in principle that the standards would be acceptable to the National Standards Commission. However, in certain categories, more specifically in the measuring of liquids in bulk, the National Standards Commission did not accept the provisions of the Act of 1971.

One of the major users measuring in bulk is the oil company providing fuel to the service station. The oil company tankers have a dip-stick located in the centre of the tank and these have been stamped in the past as being acceptable under the Weights and Measures Act, 1971. It was acknowledged that, if the tanker was standing slightly off level (if there was a slope in the area where the vehicle was parked), in a circular tank the level of the liquid would vary only a little and if the liquid was measured before and after the service station tanks were filled this would give an accurate measurement of the fuel taken from the tanker. However, the Commonwealth Standards Commission has not accepted this practice that has been going on for so many years not only in South Australia, but throughout the world. From my investigations into the matter I have found that the commission has not as yet found an alternative and that it is looking not only at the effects of tankers standing on other than level parking areas, but also at the effect of temperature on the volume of the liquid concerned. We do know, of course, that the temperature of liquid in a tanker can vary because it is not being circulated and that there can be a variation in temperature throughout a large body of liquid. I believe the commission is probably aiming at unnecessarily high standards if it takes into precise account not only the measurement of liquid but also the volume as affected by temperature, and this applies to measuring also. We all know that steel can vary substantially in length from when it is very cold to when it is very hot. So, taking temperature into account under ordinary everyday circumstances will be difficult.

In lieu of the measures contained in the 1971 Act, I understand that the National Standards Commission of the Commonwealth has not as yet found a suitable alternative. From investigations I have made I believe that no other country in the world has overcome this problem either. The Bill that is before us makes valid the transactions that have taken place in the past in good faith by using a measuring device bearing the stamp of the department, a stamp that indicates the accuracy of measurement. However, we will have to wait until the National Standards Commission can find an answer to this problem. I commend the Bill to honourable members, because we must protect the transactions that have already taken place in good faith over the years.

The Hon. C. M. HILL (Central No. 2): I support the Bill and commend the Hon. Mr. Gilfillan for the detail he researched in his review of the measure before us. Two or three points occurred to me when I read the Minister's second reading speech. One was that this Bill demonstrates what can happen when too much centralization takes place in legislation. Prior to 1971 local government was given an opportunity to administer weights and measures and, in the main, I believe it did that work very well indeed. When the Minister introduced the parent Bill on November 24, 1971, he said, among other things (*Hansard,* page 3359):

It has been decided to centralize the administration of weights and measures in this State and, should this Bill receive the approbation of honourable members, the entire administration of the Bill and hence weights and measures law in this State will come within the purview of the Warden of Standards, subject of course to the general control and direction of the Minister.

In that Bill the Weights and Measures Advisory Council was set up and included some representation from local government; however, only one-third of its members came from local government. In other words, the State took over the control from local government and now, within two years of the Act being proclaimed, the Government has had to come back to the Legislature to amend the Act. I agree that change must come and that controls at times must pass from the third tier of government to the State Administration, but I would at least expect improvements from that change.

It would appear from my interpretation of what the Minister said that something has gone wrong with the new system of control, and I believe there is a lesson to be learnt from that: that we must be cautious when agreeing to allow control to become centralized compared with the system obtaining previously. It is not only a question of centralization of control within this State; I can see the trouble arising from this Bill because of centralization of control from Canberra. I should like to know what kind of liaison exists between the commission, which was apparently set up under Commonwealth regulations, and the Weights and Measures Advisory Council in this State.

It is reasonable, I believe, to ask that if that liaison were carried out, as no doubt it should have been, whether the problem that caused the introduction of this Bill would have come before us. If the Weights and Measures Advisory Council had been in close contact with the Commonwealth Commission I would have thought that this trouble would not occur and that the case the Minister quoted relating to dipsticks, which was explained in some detail and so well by the Hon. Mr. Gilfillan, would not have been the only case that the Bill sets out to correct. The Bill is worded in such a way that if other difficulties at present not known to the Government are found this Bill will automatically overcome them. There may be more problems in the wind than are known to the Government now. When we tend to centralize, whether it be from local government to State Administration or when we turn to Canberra and agree that the Commonwealth should be involved in some form of control over the State, we must be cautious and ensure that the result is in the best interests of the people of this State.

The last point I make, and it is in the form of a question to the Minister, is whether any offence is committed under Commonwealth law or is condoned if this Bill passes? I have not been able to ascertain whether the National Standards Commission of the Commonwealth is set up under a Commonwealth Act, but I feel sure that it is. I suspect the commission was set up under customs laws, because when I reviewed the measure relating to the checking of calibrations on dipsticks used in fuel tanks I was told that the check was carried out by the Customs Department; however, I am not absolutely certain of that. I believe we are by-passing regulations, as we were told by the Minister that they were Commonwealth regulations concerning the National Standards Commission. Those Commonwealth regulations must have flowed from a Commonwealth Act. By passing this Bill, as I see the situation, we are saying to the commercial operators here, "You will not now be in conflict with our weights and measures legislation."

We are, in effect, by-passing the Commonwealth regulations at present, but would the operators not be offending against those regulations? I think, in fact, they may be committing an offence under the relevant Commonwealth Act. I should like the Minister to assure me in the Committee stage that that was not so. They are the only matters I bring to the notice of the Council as a result of looking at this measure.

The Hon. A. F. KNEEBONE (Minister of Lands): I will reply briefly to the comments of the Hon. Murray Hill on the Bill. I was interested to hear him say that he considers that, as a result of the transfer of the administration, in part from local government to the National Standards Commission some people may be committing an offence against Commonwealth regulations. I draw attention to the fact that with most local government authorities prior to the most recent amendment of the Weights and Measures Act, which brought the administration of it under the control of the Warden of Standards and myself, only a few cases were outstanding. It was interesting to hear the honourable member say that, as a result of this action, something had gone wrong already as a result of centralization. I point out to him that these measuring instruments were stamped in 1967, and most of the administration at that time was in the hands of local government. These instruments were stamped incorrectly, assuming at the time that the National Standards Commission would approve it. So, during all those years the stamping was incorrect, and it was found out during the period immediately afterwards, when a decision was made in the Commonwealth sphere, that this was not the approved type of stamping.

I assure the honourable member (he says he believes that no alternative has been devised) that this is a short Bill only to correct the situation where people, in all good faith, from 1967 to the present time have been using what they have understood to be acceptable measures, but they were not of the correct standards. I am sure it will not be long before an acceptable alternative device is approved by the Commonwealth authorities. I thank honourable members for the speeches they have made and the Leader of the Opposition for expediting the passage of this Bill.

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

ADJOURNMENT

At 3.41 p.m. the Council adjourned until Wednesday, August 22, at 2.15 p.m.