LEGISLATIVE COUNCIL

Tuesday, March 26, 1974

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

There being a disturbance in the Strangers Gallery:

The PRESIDENT: Order! If there is any interruption, I shall clear the gallery.

PETITIONS: BEVERAGE CONTAINER BILL

The Hon. C. W. CREEDON presented five petitions in identical terms, signed by 278 persons, supporting the Government's Beverage Container Bill and asking that this Council recognize this support of the Bill by passing it

Petitions received and read.

QUESTIONS

SOFTWOOD TIMBER

The Hon C. R. STORY: I seek leave to make an explanation prior to asking a question of the Minister of Forests.

Leave granted.

The Hon. C. R STORY: This morning's Australian Broadcasting Commission's radio news contained an item which disclosed that the Minister of Forests had entered into an agreement with Cellulose, the firm in the South-East which was established during the term of the Playford Government and which has played an important role in the development of the Millicent District. The news item disclosed that about 2 000 000 super ft. (4 720 m^3) of timber would be required annually by the company to expand its operations in the area. Can the Minister say whether this quantity of timber is in addition to the original contract which was entered into and which was to be phased in over a period or whether it is additional to the original contract? From memory, I understood that we were almost committed with our available softwood timbers until about the year 2000.

The Hon. T. M. CASEY: The quantity mentioned in this morning's news was 10 000 000 super ft. (23 600 m^3), which is in addition to what the contract already calls for. The extra 10 000 000 super ft became available when Panelboard, which was supposed to take up this quantity, decided that it did not require it in the future. Therefore, the 10 000 000 super ft. has been transferred from Panelboard to Cellulose.

MONARTO

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question regarding the Commonwealth Government's involvement in and support for Monarto?

The Hon. A. F. KNEEBONE: The information required by the honourable member is contained in a lengthy reply I gave to a question asked by the Hon. Mr. Cameron on March 12. The only modification required to the previous reply is that the Commonwealth Government has agreed to support Monarto both in its planning and later development.

The Hon. J. C. BURDETT: Has the Chief Secretary a reply to my recent question about compensation for Monarto landholders?

The Hon. A. F. KNEEBONE. Compensation paid to the people in the area is based on the Act that was passed by this Parliament, and the people in the area were told at a public meeting on December 21, 1972, that compensation would be paid for the market value of their properties, plus disturbance and not reinstatement. This is the policy that is still being carried on by the Government as it is laid down by the Act. I should add, however, that in addition to the prices paid per acre for land and improvements, substantial amounts have also been made to allow for disturbance.

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to my recent question about Monarto lease-back?

The Hon. A. F. KNEEBONE: The main point of the question appears to relate to the lease-back situation, and it is based on a wrong assessment of comments that have been made in the past. Compensation paid to the people in the area is based on the Act that was passed by this Parliament, and the people in the area were told at a public meeting on December 21, 1972, that compensation would be paid for the market value of their properties, plus disturbance and not reinstatement. This is the policy that is still being carried on by the Government as laid down by the Act. I should add, however, that, in addition to the prices paid an acre for land and improvements, substantial amounts have also been made to allow for disturbance. Also raised was the point that the farmers were told they would be able to stay on their land for several years under the lease-back system.

While this may be true in some sections of the Monarto site, in view of the Government's intention to begin development of park areas and also to have the building phase commenced as early as 1976-77, it must be obvious that lease-back arrangements on a long-term basis will have to be limited. The conditions relating to lease-back are: (1) it must be asked for by the owners—that is, the obligation is on them to approach the Government; (2) lease-backs will be given only to original owners of land on the Monarto site and will not be given to people outside the area, (3) for the reasons given above regarding the development of the park sites and early building, at present lease-backs can be made only for the next cropping season or, in some cases, for two seasons; (4) long-term leases cannot be given until the consultant's plans are available; (5) as soon as the Government knows which areas will not be required for the parks and early urban development, those that are not required will possibly be available for long-term lease-back.

The final matter raised by the honourable member refers to the appointment of the committee to determine attributable prices. The committee was established under the terms of the Act and comprises the Valuer-General as Chairman, a nominee of the Minister, and a nominee of the Commonwealth Institute of Valuers Incorporated (South Australian Division). The honourable member will see that, of the two members of the committee under the Chairman, the Minister has made his nomination, which is Mr A Richardson, but he has had no influence in the nomination of the Institute of Valuers Mr. L. H. Laffer was nominated by the institute to serve on the committee. The honourable member will, therefore, appreciate that the committee has been appointed under the terms of the Act as passed by this Parliament and that there is an independent member of the committee nominated by the Institute of Valuers.

GOVERNMENT TRANSPORT

The Hon. M. B. CAMERON: I understand that it has been recommended to the Government that smaller, reliable cars such as the Torana be used for the transport of officers between Adelaide and Monarto. Can the Chief Secretary say whether the Government would consider adopting a general policy towards the use of smaller cars, including Ministerial cars, for those Ministers who do not travel beyond the metropolitan area, in order to save fuel and generally help the environment?

The Hon. A. F. KNEEBONE: As this is a policy matter, I will refer it to Cabinet for consideration.

ROADS FINANCE

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question of the Minister of Health, representing the Minister of Transport

Leave granted.

The Hon. M. B. DAWKINS: My question relates to my concern regarding the proposed allocation for South Australia by the Commonwealth Bureau of Roads In this connection, I received a letter dated March 22 from the General Manager of the Royal Automobile Association of (S.A.) Incorporated, part of which states:

The Council of the Royal Automobile Association of South Australia is most perturbed at the disparity in the grants proposed for South Australia by the Commonwealth Bureau of Roads in their recommendations to the Federal Government for the legislation to replace the Commonwealth Aid Roads Act, 1969.

Submissions have been made by the Australian Automobile Association to the Federal Government on a number of aspects of the report, but the impact of the recommendations on South Australia's roads and its future programme is likely to be little short of catastrophic and, in the view of the association council, needs specific remedy.

For the period 1969-1974, this State received $129 000 000, and the bureau proposes a grant of $205 000 000 for 1974-1979—a meagre increase of 59 per cent when compared with the national increase from $1 252 000 000 to $2 607 000 000 (108 per cent).

South Australia represents about 10 per cent of most aspects of the nation's interests, whereas its share of the federal moneys is proposed as 7·9 per cent. On the basis of the number of its motor vehicles (in June, 1973) South Australia is only to receive $375 per vehicle over the five years from the Federal Government for roadworks—the lowest of any State. This compares most unfavourably with a national average of $465.

Will the Minister of Health ascertain what steps the Minister of Transport intends to take to obtain a fairer deal for South Australia in this connection?

The Hon. D H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply.

COOPER CROSSING

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. A. M. WHYTE Last week, when speaking about the flooding in the Far North, I referred to the necessity to service some six to eight stations on the northern side of Cooper Creek once the creek reached the peak of its flood level This would necessitate the withdrawal of the punt, which up to this time has been used to get stores and mail across the crossing. I have received word today that the punt has been withdrawn because of the unsafe situation at the creek. Has the Minister any plans by which the people at the stations may be serviced by light aircraft?

The Hon. A. F. KNEEBONE: The honourable member's previous question has been referred to the Pastoral Board for report on the feasibility of his suggestion. If I cannot get a report before the Council adjourns next Thursday, I will let the honourable member have the information by letter.

FISHERMEN

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

Leave granted.

The Hon M. B. CAMERON: Recently the Taxation Department requested information from owners or skippers of fishing vessels about the incomes of deck hands, or share fishermen. The fishermen, through the Australian Fishing Industry Council, asked for reconsideration of the request, as they did not regard deck hands as employees, but as share fishermen The deck hands, according to my information, sell their own share in their own name and, in the case of Safcol, they hold separate shares. They have been awaiting advice on the submissions of the Australian Fishing Industry Council, but some fishermen have now received a further request threatening possible fines or imprisonment if the request is not complied with. Will the Minister of Fisheries approach the Commonwealth authorities to obtain a reconsideration of this request, or at least an undertaking to hold off any further action until that request is dealt with?

The Hon T. M. CASEY. I shall refer the honourable member's question to my colleague in another place, the Minister of Fisheries, and bring down a reply when it is available.

COPIES OF ACTS

The Hon. A. M WHYTE. Has the Chief Secretary a reply to my recent question regarding the availability of Acts?

The Hon. A. F. KNEEBONE: All current South Australian legislation is sold over the counter at the Government Printing Department bookshop on the fourth floor of the Tourist Bureau Building, 18 King William Street, Adelaide, and also at the Publications Office at Netley. All mail orders, subscriptions, and standing orders are supplied from the Netley office. However, only a limited range of Acts is sold from the Information Centre in the State Administration Centre. Usually the "Royal Arms" copy of the Bill signed by the Governor in Executive Council authorizing the Government Printer to print the Act takes three or four working days to reach the Government Printing Department from the date of assent. The Government Printing Department then takes a further two or three days to print the Act and have it ready for sale. Therefore, it normally takes about seven working days from the date of assent before copies of the Act are available to the public.

POINT PEARCE MISSION

The Hon. M. B. DAWKINS: Has the Chief Secretary a reply to the question I asked on February 28 about the Point Pearce Mission?

The Hon. A. F. KNEEBONE: I have received a report from the Minister of Community Welfare but, as the figures in it appear to be incorrect, I shall obtain a further report for the honourable member and bring it down tomorrow.

DAIRY RECONSTRUCTION SCHEME

The Hon. C. R. STORY: Has the Minister of Lands a reply to my recent question about the dairy reconstruction scheme?

The Hon. A. F. KNEEBONE: At the time agreement was reached with the Australian Government to implement a scheme for reconstruction of marginal dairy farms, it was generally believed that the scheme would have less application in South Australia than in other States. Subsequent experience has supported this view. To date, eight marginal dairy farms have been purchased under the Marginal Dairy Farms (Agreement) Act at a cost of $195 222. Of the land so purchased, seven areas have been sold to applicants for amalgamation with existing properties, one area has been sold to the Woods and Forests Department,

and one area has been made into a national reserve. To the extent to which it has been used, it is felt that the scheme has been successful and has assisted applicants.

PRESS SECRETARIES

The Hon. Sir ARTHUR RYMILL: Has the Chief Secretary a reply to my recent question about press secretaries?

The Hon. A. F. KNEEBONE: At present, 10 press secretaries are employed by the Government. They are as follows: Mr. A. E. Baker, Press Secretary to the Premier; Mr. J. Martin, Press Secretary to the Deputy Premier; Mr. K. Crease, Press Secretary to the Chief Secretary; Mrs. I. Brown, Press Secretary to the Minister of Education; Mr. R. Clarke, Press Secretary to the Attorney-General; Mr. B. Turner, Press Secretary to the Minister of Transport; Mr. B. Muirden, Press Secretary to the Minister of Environment and Conservation; Mr. R. Sullivan, Press Secretary to the Minister of Labour and Industry; Mr. C. Bell, Press Secretary to the Minister of Health; and Mr. M. Zaknich, Press Secretary to the Minister of Development and Mines. In addition, the Premier's office has one executive assistant, a private secretary, and one personal research assistant.

GALLERY DISTURBANCE

There being a disturbance in the Strangers Gallery:

The PRESIDENT: Order!

There being a further disturbance:

The PRESIDENT: Order! Clear the gallery The sitting of the Council is suspended.

[*Sitting suspended from* 2.43 *to* 2 59 *p m.*]

QUESTIONS RESUMED

LAND TENURE

The Hon R C. DeGARIS Has the Minister of Lands a reply to my question of February 26 about land tenure?

The Hon. A. F. KNEEBONE. The Government currently has under review the many fundamental issues raised in the report of the Commission of Inquiry into Land Tenure (the Else-Mitchell report). The Government should be able to determine its policy on these matters soon

BEACHPORT RESERVE

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about the Beachport Reserve?

The Hon. A. F. KNEEBONE: Information given to the officers of the Local Government Department indicates that the council will not act on its previous resolution. However, I understand that it will be conducting a poll of ratepayers to seek their opinion on its proposal

SOUTH-EAST ELECTRICITY

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Chief Secretary, as Leader of the Government in the Council.

Leave granted.

The Hon. R. C. DeGARIS: My question concerns Electricity Trust connections to some South-East areas. I have been told that some people have their houses and flats completed but are unable to obtain Electricity Trust connections for them. Indeed, one complaint was made to me by a person whose house has been completed since January Everything is ready for him to move into it, but power has not been connected. I understand that the trust has said that it is impossible to connect supplies until June, 1975, because of the lack of staff. Will the Chief Secretary investigate the matter of trust connections in South-East towns to ascertain why there is such a delay and whether anything can be done to reduce it?

The Hon. A. F. KNEEBONE: The question should have been directed to the Minister of Agriculture, representing the Minister of Works. However, I assure the honourable member that the Minister of Agriculture will take up this matter with his colleague and bring down a reply as soon as it is available.

LAND SETTLEMENT ACT AMENDMENT BILL (GENERAL)

The Hon. A. F. KNEEBONE (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Land Settlement Act, 1944-1973. Read a first time.

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

That this Bill be now read a second time.

It has as its principal object the making of amendments to enable the principal Act to be consolidated under the Acts Republication Act, 1967. It also contains certain amendments consequential on or consistent with other legislation enacted by Parliament. Clause 1 is formal. In clause 2, paragraphs (*a*), (*b*) and (*d*) are consequential on the change of title from Commissioner of Crown Lands to Minister of Lands. Paragraph (*c*) strikes out the definition of "the Western Division of the South-East". That definition, and other related and consequential amendments to the principal Act, were enacted by the Land Settlement Act Amendment Act, 1948, but those amendments have never been used in the administration of the Act. The Land Settlement Act initially provided, *inter alia,* for the acquisition of underdeveloped land either by agreement or by compulsory acquisition. The 1948 amending Act provided for the acquisition of any land in the Western Division of the South-East, whether the land was underdeveloped or not.

The Western Division of the South-East was defined in the schedule to the principal Act by reference to specific sections in various hundreds in the counties of Grey, Robe, MacDonnell and Cardwell, and that schedule was enacted by the 1948 amending Act. Many of those sections have since been renumbered and some have been subdivided; therefore, the description of the Western Division of the South-East as presently contained in that schedule is out of date and, if the schedule is retained in the Act, it would need considerable investigation to up-date it before the Act is consolidated, and no useful purpose would be served by such investigation as no land in the Western Division has ever been acquired nor is it intended that any such land will be acquired in the future. In other words, the schedule and all references to it in the Act are now a dead letter, and accordingly this Bill proposes to repeal them.

Clause 3 repeals section 10 of the principal Act which fixes the salaries of the Chairman and members of the committee. These salaries were last fixed in 1969, but are capable of being altered by regulation under the Statutory Salaries and Fees Act. The amendment of one Act by regulations made under some other Act is not a desirable procedure, and clause 3 enacts a new section 10 to provide that the salaries and rates of salaries may be fixed from time to time by determination of the Governor and, until the Governor determines otherwise, shall be the same as they were immediately before this Bill became law. This procedure would retain the same flexibility in the fixing of salaries without referring to any specific amounts in the section which would be capable of alteration and which would become out of date if amended by regulation under the Statutory Salaries and Fees Act.

Clause 4 converts two references to 20 miles in paragraphs (*a*) and (*b*) of the proviso to section 11 (1) to 32 kilometres, being the nearest practical conversion. Clauses 5 and 6 make consequential amendments. Clause 7 makes amendments that are consequential on the repeal of the Compulsory Acquisition of Land Act, 1925, and the enactment of the Land Acquisition Act, 1969. Clause 8 makes further consequential amendments. Clause 9 repeals section 27a of the principal Act. This is consequential on the repeal of the definition of the Western Division of the South-East by clause 2 (*c*) and the repeal of the schedule by clause 16.

Clause 10 is also consequential on the repeal of the definition of the Western Division of the South-East by clause 2 (*c*) and the repeal of the schedule by clause 16 Clauses 11, 12, 13, 14 and 15 are consequential. Clause 16 repeals the schedule to the principal Act which, as I have already explained, is a dead letter.

Later:

The Hon. M. B DAWKINS (Midland): The Hon. Mr. Story, in referring to the South Australian Meat Corporation Act Amendment Bill, referred to it as being a consolidation. This Bill could be described in the same way The Minister in his second reading explanation said:

This Bill has as its principal object the making of amendments to enable the principal Act to be consolidated under the Acts Republication Act, 1967. It also contains certain amendments that are consequential on or consistent with other legislation enacted by Parliament.

Having examined the Bill in relation to the principal Act, I believe that was a fair and accurate statement. Clause 2 refers to the change of title from the "Commissioner of Crown Lands" to "Minister of Lands". That occurs not only in clause 2 but in several other clauses throughout the Bill It must be almost 20 years since the title of the Minister in charge of Crown Lands was changed from "Commissioner of Crown Lands" to "Minister of Lands". Rather a long period has elapsed since it was necessary to make this correction. Clause 2 also seeks to do away with the definition of "Western Division of the South-East". That Division was enacted by the Land Settlement Act Amendment Act, 1948. The Minister explained that the amendment to which I have just referred has never been used and it is not intended that it will be used It also follows that the description of "Western Division of the South-East" presently contained in the schedule to the Bill is out of date.

The Minister defined in some detail "Western Division", and I certainly do not intend repeating what he had to say. I accept that it is redundant and that the Bill sets out to repeal that section of the principal Act Clause 3, too, repeals a section of the principal Act, being the section which enabled the salary of the Chairman and members of the committee to be determined. These salaries were last fixed about five years ago. At present the salaries can be altered by regulation under the Statutory Salaries and Fees Act. It is intended by this Bill to repeal section 10 of the principal Act and to insert the following new section:

10. (1) The Chairman and each other member shall be entitled to receive such salaries and at such rates as are from time to time fixed by determination of the Governor.

(2) Until the Governor determines otherwise, the chairman and other members shall continue to be entitled to receive such salaries, and at such rates, as they were entitled to receive immediately before the commencement of the Land Settlement Act Amendment Act, 1974.

I accept the contention that the fixing of salaries and allowances by regulation under the Land Settlement Act is much tidier than doing it under the provisions of another Act. The other clauses of the Bill are basically consequential amendments. One clause deals with a metric conversion and several other clauses alter "Commissioner" to "Minister". At least two clauses make consequential amendments on the repeal of the Compulsory Acquisition of Land Act, 1925, and the enactment of the Land Acquisition Act. 1969 In clauses 7 and 8 "notice to treat" is intended to be struck out wherever it occurs and be replaced by "notice of intention to acquire the land". That is only to correct the situation, as the verbiage of the Land Acquisition Act, 1969, refers to the matter in that way. The remainder of the clauses are consequential on the consolidation that I mentioned at the beginning of my speech, and the Bill has my support.

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

CRIMINAL INJURIES COMPENSATION 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 separate amendments to the Criminal Injuries Compensation Act. First, the maximum amount that can be awarded under the principal Act is raised from $1 000 to $2 000. This is an amendment for which this Council has already expressed its support. Further amendments are inserted under which provision is made for the case of an offence committed jointly by two or more persons In this case an order for compensation will be enforceable jointly and severally against the convicted persons. A consequential amendment is made dealing with the enforcement of an order. At present an order is enforceable in the same manner as a fine, but some modification of this principle is required because fines are not normally enforecable jointly and severally. The court is therefore empowered to give such directions as it thinks fit relating to the manner in which the order should be satisfied and enforced, and is empowered to exercise any of the powers that it has to secure compliance for the order of a payment or a fine to secure compliance with the order, or with any direction given by it in relation to the enforcement of the order.

A new provision is inserted by virtue of which the Criminal Injuries Compensation Act will not be applicable in cases where the convicted person is insured against his liability for damages arising from the injury by a policy of insurance under Part IV of the Motor Vehicles Act, or where the injured person is entitled to proceed against the nominal defendant for damages in respect of the injury. Amendments are made under which a court is empowered to grant costs in all proceedings under the principal Act. The Bill provides that, where a payment is made from the general revenue in pursuance of a claim under the Act, the Attorney-General shall, to the extent of the payment, be subrogated to the rights of the person to whom the payment was made against the person convicted, or adjudged guilty, of the offence, and further, is subrogated to the rights of that person against an insurer or other person from whom he is entitled to indemnity, or contribution, in respect of liability arising from the injury.

Clause 1 is formal. Clause 2 raises the limit of compensation from $1 000 to $2 000 and deals with the case of joint offences and injuries covered by policies of third party insurance, or by the provisions of Part IV of the Motor Vehicles Act. Clauses 3, 4, and 5 deal with the award of cost in proceedings under the principal Act.

Clause 6 sets forth the rights of the Attorney-General where payment is made from the general revenue in pursuance of the provisions of the principal Act.

The Hon. J. C. BURDETT (Southern): I support the Bill. I am sure all honourable members will support the increase from $1 000 to $2 000 of the amount which can be awarded and, as the Chief Secretary said, this Council has already expressed its support for the principle of this increase The remaining provisions of the Bill simply tidy up various loose ends in the principal Act. It is desirable that offenders involved in the same offence should be jointly and severally liable: that is to say, the orders made can be enforced against all of them together or the order for the full amount can be enforced against any of them severally or separately. That is simply what this portion of the Bill seeks to do.

A further difficulty is that the concept of joint and several liability is essentially civil We find it commonly in the civil law: people who are together involved in a tort are jointly and severally liable. and an order made by a court can be pursued against all of them or the order for the full amount can be pursued against any of them separately. This is a procedure not known to the criminal law and the method of enforcement under this legislation is similar to the method of enforcement of a fine We have here a sort of marrying of the civil and criminal law and some way out must be found. The way out provided in the Bill is a sensible one. namely. to leave the matter to the discretion of the court.

The next question raised in the Bill is that of subrogation. also an important matter, meaning simply that if the compensation ordered is paid out of general revenue then the Attorney-General is left with the same remedies against the persons who caused the damage as the injured person would have had if the general revenue had not paid him. These are necessary and sensible amendments, and I support the Bill.

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

OMBUDSMAN ACT AMENDMENT BILL

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

PARLIAMENTARY SUPERANNUATION 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 Bill effects a consolidation of several enactments relating to superannuation for members of Parliament in this State. It also reflects an examination of the situation in the Commonwealth Parliament and in the Parliaments of the other States in relation to superannuation for members of Parliament. In its preparation, regard has been had to the changes proposed by the recently enacted Superannuation Bill, 1974. which provided for substantial alterations to superannuation benefits for members of the Public Service and others.

Clauses 1 to 4 are formal. Clause 5 sets out the definitions necessary for the purposes of the measure, and they are commended to honourable members' close attention. Clause 6 in subclauses (1) and (2) sets out the circumstances in which retirement as a member will be regarded as involuntary, and at subclause (3) deals with voluntary retirement. Clause 7 sets out certain rules that are to govern the calculation of "service" for the purposes of the measure. These rules, in substance. are those contained in the Acts proposed to be repealed.

Clause 8 merely continues in existence the fund established under the repealed Act. However, at subclauses (2). (3), and (4) the trustees are empowered to borrow for the purposes of the fund, and such borrowings are proposed to be guaranteed by the Treasurer A provision of this nature is intended to ensure that the fund will not suffer any "cash flow" problems if it is obliged to make payments by way of commutation, as to which see clause 21 below.

Clauses 9 to 12 are self-explanatory. Clause 13 continues in existence the present trustees, namely, the Speaker of the House of Assembly, the President of the Legislative Council, and the Under-Treasurer. Clause 14 proposes an increase of contributions from 9 per cent of basic salary to 11½ per cent of basic salary. In addition provision is made for members who receive 'additional salary", as defined, to make contributions at the same rate on that additional salary. Clause 15 sets out the rate of contribution by the Government, and is similar to the corresponding provisions in the Acts proposed to be repealed.

Clause 16 sets out the grounds on which a member becomes entitled to a pension, and again this clause is commended to members' close attention Clause 17 sets out the method of calculating the annual pension payable under the measure, and subclause (2) sets out the method of calculating the additional pension payable to those who, pursuant to subclause (3) of clause 14, have elected to make additional contributions. Clause 18 provides for a pension on retirement due to invalidity. Clause 19, with some modifications. repeats a provision in the Acts intended to be repealed, and deals with the situation where remuneration or pension is received by virtue of membership of another Parliament and. in addition, provides for the situation where a member pensioner becomes a judge within the meaning of the Judges' Pensions Act.

Clause 20 ceases a pension payable under this Act on the pensioner again becoming a member. When such member pensioner again becomes a pensioner his entire service is aggregated. Clause 21 sets out the basis on which portion of a pension may be commuted. With this clause must be read the second schedule to this Bill. Clause 22 provides for a refund of contributions plus interest where no other benefit is payable under the measure. Clause 23 deals with the situation where total contributions exceed total benefits paid, and provides for a refund of the difference between contributions and benefits. Clause 24 provides for pensions for spouses of deceased member pensioners, and the amount of pension payable is set out in this clause. A minimum pension of 40 per cent of the salary of the deceased member is provided for in this clause.

However, I would draw honourable members' attention to the fact that this minimum pension is subject to reduction if the member pensioner had commuted portion of his pension. Also, I draw honourable members' close attention to one effect of commutation, and this is that service in respect of which a pension is commuted cannot be aggregated with future service if the member pensioner again becomes a member. Clause 25 makes a similar provision for spouses of deceased members, that is, those members who have not entered on pension. Clause 26 provides for spouse pensions to cease on remarriage, but to revive again if the spouse ceases to be married.

Division II of Part V, being clauses 27 to 31, sets out the method of calculating child benefit and generally follows the scheme set out in the Superannuation Bill, 1974. recently before this Chamber. Clauses 32 and 33 continue in force pensions under the Acts intended to be repealed. Clause 34 makes payable forthwith certain

pensions under the Act intended to be repealed that were, pursuant to that Act, suspended until the former member attained 50 years of age. This provision is consistent with removing that restriction on the payment of pensions under this Act.

Clause 35 provides for the future adjustment of pensions and substantially follows the provisions of the Superannuation Bill, 1974. However, unlike that measure the amount of pension, as reduced by commutation, will be the amount subject to adjustment. Clause 36 re-enacts with modifications a provision that existed in the Acts intended to be repealed and is, it is considered, self-explanatory. Clauses 37, 38, 39 and 40 are self-explanatory.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is to provide for some important variations to the Parliamentary superannuation scheme following the introduction of the new superannuation scheme for the Public Service. The Bill repeals the old Act, and I am pleased to see this, because the previous Parliamentary Superannuation Act and the various amendments were extremely difficult to follow. They have been scattered over a number of years and never been reprinted. This is a Bill for a new Act altogether, and it will be much easier to follow. The Bill, when compared to the new proposed legislation for the Public Service, is something of a mixed bag. Obviously some points about the proposed scheme could be said to be slightly different from the Public Service proposals and some aspects of the scheme could be said to be less advantageous than the Public Service proposals.

I do not think it would be unfair to say that my impression, in studying the two schemes, was that the Public Service Superannuation Bill, with which we have recently dealt, gives considerable benefits to the higher echelons in the service. At a later stage in their career they will, in most cases, have reached their highest salary. They do not have to contribute any more after reaching the age of 60 years and they retire on a good percentage of salary either at that age or at 65 years of age, to which they may elect to continue working, at which time they would receive a higher percentage of their salary than members will be entitled to receive after 20 years service.

True, we receive our maximum benefits after 20 years service, but the real advantages seem to be not so much to people who have had long periods of service in Parliament but to those who have had short periods of service. In many ways I think the advantages are the exact opposite of what applies to the Public Service. It is after a long period in the Public Service, when one has reached the high salary, that one receives the benefit. However, under this Bill we get the highest benefit after 20 years service, but we do not cease to contribute. We keep contributing until the age at which we retire or die. As a result, it could be said that, in this aspect, we are not so advantageously dealt with as is the Public Service. This Bill will be of the greatest benefit to the member who has served a comparatively short time rather than to one who has served for 20 years or more.

I suppose it can be said that it does not really pay a member, except in an indirect way, to contemplate staying in Parliament for much longer than 20 years, whereas a different situation applies in the Public Service scheme. In many ways, the Bill is an attempt to bring the two schemes into line as much as possible, but the circumstances are different. The scheme proposed in the Bill is in no way inordinately favourable or unfavourable to members of Parliament, compared to public servants. Some of the provisions in this Bill are just as technical as those in the Public Service Superannuation Bill and are no easier to follow. I have studied all the provisions in the Bill. No doubt one or two minor drafting amendments could improve it. I have an amendment on file, and I know that the Minister has amendments that he will move. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—"Suspension of pension."

The Hon. F. J. POTTER: I move:

In subclause (1) (*c*) and (*d*) to strike out "that pension or benefit" and insert "the pension or benefit under this Act".

These are drafting amendments.

Amendments carried; clause as amended passed.

Clause 20—"Cessation of pension."

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

In subclause (2), after "The", to insert "previous".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 26 passed.

Clause 27—"Determination of child benefit."

The Hon. A. F. KNEEBONE: I move

To strike out "former".

This, too, is a drafting amendment

Amendment carried, clause as amended passed.

Clause 28—"Child benefit, general."

The Hon. A. F. KNEEBONE moved:

In subclause (1) to strike out "former".

Amendment carried; clause as amended passed.

Clause 29—"Child benefit where no spouse's pension payable."

The Hon. A. F. KNEEBONE moved:

In subclause (1) to strike out "former"; and in subclause (2) (*a*), (*b*), (*c*) and (*d*) to strike out "former".

Amendments carried; clause as amended passed.

Clause 30—"To whom child benefit payable."

The Hon. A. F. KNEEBONE moved:

In paragraph (*a*) to strike out "former".

Amendment carried, clause as amended passed.

Clauses 31 to 33 passed.

Clause 34—"Suspension of certain pensions."

The Hon. A. F. KNEEBONE moved:

To strike out "on" first occurring and insert "immediately before".

Amendment carried, clause as amended passed.

Clause 35—"Adjustment of pensions."

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

In subclause (7) (*a*) and (*b*) to strike out "former".

These are both drafting amendments.

Amendments carried; clause as amended passed.

Clause 36—"Former member again becoming member."

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

After subclause (1) (*b*) to insert the following new subclause:

(1*a*) Where a former member, not being a former member referred to in subsection (1) of this section or a member pensioner, again becomes a member the previous service of that former member shall be counted as service for the purposes of this Act;

and to insert the following new subclause:

(4) In this section a reference to a former member or member pensioner who again becomes a member shall be read as including a reference to a former member who again becomes a member before the commencement of this Act.

This amendment is consequential on amendments moved in another place, which provided that broken periods of service would not be aggregated except in the circumstances set out in clause 20 and this clause of the Bill. As amended, the Bill will provide that such periods will be aggregated in the following cases: (*a*) where a member pensioner, who has not commuted any part of his pension, again becomes a member (see clause 20); (*b*) where a former member, who has received a refund of his contributions under this Act or the repealed Act again becomes a member and repays to the fund the amount of the refund (see clause 36 (1)); (*c*) where a former member, who did not receive a pension or a refund of his contributions, again becomes a member (see clause 36 as proposed to be amended); and (*d*) where a member pensioner, who has commuted portion of his pension again becomes a member and makes a *pro rata* refund of the amount he received by way of commutation (see clause 36 (2) and (3)). Proposed new subclause (4) is intended to make it quite clear that this clause has a desirable degree of retroactive operation.

Amendments carried; clause as amended passed.

Remaining clauses (37 to 40), schedules and title passed.

Bill read a third time and passed

GAS ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

Bill taken through Committee without amendment. Committee's report adopted.

Bill read a third time and passed.

SCIENTOLOGY (PROHIBITION) ACT, 1968, REPEAL BILL

Second reading.

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

That this Bill be now read a second time.

It repeals the Scientology (Prohibition) Act, 1968, which was passed by this Parliament in 1968. It is in the same form as a measure which was passed by the House of Assembly last year but which failed to become law. As honourable members are aware, that Act prohibits the teaching and practice of scientology and the use of an instrument known as an "E" meter, which is used by scientologists in the course of practising scientology. The Act requires scientological records to be delivered to the Attorney-General, who is empowered to destroy them. The Attorney-General is empowered to issue warrants authorizing the searching of premises where he has reason to believe scientological records are kept and the seizure of such scientological records.

In the view of the Government, if scientologists regulate their activities so that they do not infringe any law applying generally to all people, it is wrong that they should be prohibited from professing their beliefs and carrying on their activities. Clause 1 is formal. Clause 2 provides that the Act proposed by this Bill shall come into operation on a day to be fixed by proclamation. Subclause (2) of this clause is intended to ensure that the Act shall not be brought into operation until the Governor is satisfied that an Act regulating psychological practices of the nature referred to earlier has been passed and is in force. Clause 3 repeals the Scientology (Prohibition) Act, 1968.

The Hon. R C. DeGARIS (Leader of the Opposition): This Bill goes hand in hand with the Psychological Practices Bill. A Bill was introduced in 1968 to place checks on certain practices being undertaken in the community at that time When that Bill was introduced it was clearly understood that, if we could reach a position where there could be control over psychological practices, a ban placed on certain practices under the Scientology (Prohibition) Act could be removed. It took about five years research to reach the point where we have an acceptable Bill to control psychological practices. The following is portion of a letter I have received from the Church of Scientology:

The code of reform was issued by the Church of Scientology, which cancelled the practices of disconnection (members are of course permitted to leave the church of their own volition), the use of security checking as a form of confession, the writing down of confessional materials, and the action of declaring people "Fair Game". These practices were cancelled in 1968 and have not been reintroduced since that time, nor will they be reintroduced in the future. All confessional files that contained personal and private information were burned in Adelaide in December, 1968.

I believe some good was achieved from the approach made rather rapidly in 1968. I hope that the Bill just passed will be able to control certain practices which, in my opinion, are a danger in the community. I have already instanced other cases of similar tactics being used by other organizations. If the community knew the nature of this type of activity, I think it would demand that the Government had power to control it.

I believe the Bill just passed is capable of handling that position, especially with the amendments introduced in another place, and I hope once again, in the interests of the privacy that we are hearing so much about, that the Government does not shirk its responsibility in relation to regulations to control these practices which I think are harmful to the community, and especially to young people. Young people have a high degree of suggestibility and, with the use of certain devices and certain techniques, tremendous psychological damage can be done in relation to the whole question of improving their minds and the scope of their minds. Other organizations just recently have been established along similar lines to carry on this type of psychological practice. I believe the question can be contained under the Psychological Practices Bill, and I support the measure now before the Council.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It repeals a provision of the Criminal Law Consolidation Act under which the Court of Criminal Appeal is required to pronounce a joint judgment in all cases unless the court directs that the question involved in the appeal is a question of law on which it would be convenient to pronounce separate judgments. This provision was included in the principal Act with the laudable object of attempting to ensure that the criminal law be plainly and unequivocally stated in all cases referred for determination by the Full Court. No doubt, it was felt that an accused person, or any other person seeking to ascertain the law, should not be placed in the position of attempting to synthesize or reconcile separate, and perhaps conflicting, judgments. Unfortunately, in practice, the provision has not succeeded in achieving that end. The judges of the Supreme Court feel that frequently they are required to seek compromises in

drafting their joint judgment which are not fully satisfactory to some, or perhaps all, of the judges involved in the determination of the appeal. They feel that the public interest would be better served if each judge was, in the event of disagreement, permitted to state his point of view without regard to the restrictions presently imposed by the Statute. The present Bill gives effect to this view by removing the requirement in question. Clause 1 is formal. Clause 2 repeals subsection (2) of section 349 of the principal Act, under which the Court of Criminal Appeal is prevented from delivering separate judgments except in certain limited circumstances.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is very short: in fact, it is probably the shortest Bill on our files this session. It merely strikes out subsection (2) of section 349 of the Criminal Law Consolidation Act, which could be interpreted by the courts as requiring them to give joint judgments where at all possible. The section allows the giving of separate judgments only by direction of the court, but now that restriction is being removed so that the judges will be free to give their reasons for their own judgments in criminal appeals.

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

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 2567.)

The Hon. C. M. HILL (Central No. 2): The Government in introducing this Bill gave three reasons for so doing. The first was that the name of the authority is to be changed from "Natural Gas Pipelines Authority" to "Pipelines Authority of South Australia". The second reason was that the definition of "petroleum" is being widened to include gaseous or liquid hydrocarbons. The third reason (and this is the one that interests me greatly) was that the whole concept of the personnel of the authority is to be changed.

When introducing the Bill, the Chief Secretary said that he saw no reason for the various interests concerned in the pipelines authority being represented; he went on to say:

> With the best will in the world, the economic interests of producers and users of a product may well be in conflict, and indeed this is a natural situation. This then is one good reason for drawing the membership of the authority from a wider field. An even stronger reason is that, as the number of products transported by the pipelines of the authority increases, so will the possible producers and users proliferate to the extent that separate representation on the authority would just not be feasible.

That is all very well, but we see this considerable change that the Government is trying to make in this measure.

At present, by section 4 of the principal Act, the authority is composed of six members. Two are appointed on the recommendation of the Minister, one is appointed as the nominee of the Electricity Trust of South Australia, one is the nominee of the South Australian Gas Company, and two are appointed as nominees of the producer company, if there is only one producer company, or, if there is more than one producer company, on the joint nomination of the producer companies. The section to which I have just referred is to be repealed by this Bill, and in its place (this being covered by clause 5 of the Bill) the following is to be inserted:

> (5) Subject to this Act, on and after the commencement of the Natural Gas Pipelines Authority Act Amendment Act, 1974, the authority shall consist of six members appointed by the Governor one of whom shall be appointed by the Governor to be the chairman of the authority.

That provision involves considerable change from the existing parent Act. The Government must agree that there was fair, reasonable and just representation on that authority. Now, however, the Government intends to change the system of appointment of that authority and in its place introduce a change that brings about simply six nominees of the Government. We are not told who these people will be or what their interests might be. In my view, this is a serious matter, and the Council has a responsibility to ensure that, from the point of view of the State and its people, a fair deal should be given if this proposed change comes into being.

After all, South Australians are clearly involved in this whole question. As an example, I understand that there are about 4 000 shareholders, many of whom are only small shareholders, in the South Australian Gas Company. Those shareholders provide only about 3 per cent of the working capital of the company, which means that the balance of about 97 per cent must, in the main, be from debenture holders. So, investment capital is involved. From whichever way anyone looks at it the whole undertaking is a project of vast importonce to the State, dealing as it does with the question of mineral and energy distribution, this State's industrial future and, indeed, its employment future, which is closely allied with the authority and its operations.

When the Government decides that it will change the composition of the authority completely, it is something that we must study very closely. Questions we must ask ourselves run along the following lines: can or will the new authority rescind any agreements, undertakings or arrangements of any kind that the existing authority has already entered into? Also, is there any possibility of any loss being suffered by anyone as a result of this change in policy by the Government? Certainly it could mean that the new authority would lay down new policies contrary to those followed by the former authority. There is a risk of conflict in this matter. As a result of what might happen and looking to the future, South Australia and its people might suffer.

Another point that concerns me is that I have read from time to time of plans by the Commonwealth Government to establish a national pipeline authority or a national pipeline grid on a nation-wide basis. However, I do not know whether any communications or liaison has taken place between the national authorities in Canberra and the South Australian Gas Pipelines Authority or between the Commonwealth Government and the State Government on the future of pipelines in Australia and this South Australian pipeline project. I see some danger in the possibility of appointees to the new authority here controlling completely the South Australian Pipelines Authority who might be sympathetic to advances from Canberra for an amalgamation or take-over of this State's pipeline system.

The Hon. R. C. DeGaris: They could well be Commonwealth people.

The Hon. C. M. HILL: Exactly, we do not know who these appointees might be In the interests of the State and if we want that kind of liaison to be checked and resisted (if there is a need for it to be resisted in the State), the existing authority ought to remain If the Bill is passed, that may not happen, and the authority's personnel might be changed totally by the Government of the day. From the State's point of view, there is too much risk of that taking place. Therefore, I want to make my position clear: I will not support this part of the Bill unless, before the debate on it is concluded, the Minister

or members on the Government side give further explanation of this matter and that explanation satisfies me. I point out that this matter has dangerous possibilities.

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

BOATING BILL

Adjourned debate on second reading.

(Continued from March 20. Page 2581.)

The Hon. C. R STORY (Midland): I rise to put my oar in regarding this measure. At the outset, I say that what the South Australian public has asked for is a walking stick and that what they have received is a very expensive self-propelled wheelchair.

The Hon. R. C. DeGaris: Wheelchairs might produce revenue.

The Hon. C. R. STORY: If the Government saw a chance of getting revenue from wheelchairs, it would take it. This comprehensive piece of legislation received much attention in another place. The Government considered amendments that were moved, and the public has given considerable attention to the Bill. I think we can commend the Minister in charge of the Bill for having accepted many of the amendments, but this is indicative of the fact that, when a Government will accept 21 amendments, there is something very wrong with the legislation it has introduced. Parliament should not have to scrutinize legislation to the degree whereby, of the amendments moved, the Government has accepted 21 of them The amendments the Government did not accept are the ones which interest us most and to which we should give close consideration. They impinge on the rights of the individual and impose penalties that are almost beyond my comprehension.

If the Government could find another place outside Australia somewhere, I would not be surprised if we went back in this legislation to the days of transportation of convicts. When one sees imprisonment being used as a deterrent in boating legislation, one concludes that this legislation has gone haywire. Fines of $200 and imprisonment for three months are very severe punishments.

In 1967 the then Government set up a committee to inquire into the desirability of introducing legislation on boating. I was a member of the Subordinate Legislation Committee at the time when regulations under the Marine Act were considered. At that time the boating fraternity was very vocal about those regulations. As I said, a committee was set up to inquire into the registration of boats, the licensing of operators, the provision of safety equipment in boats, and the classes of boat that would be encompassed under legislation. The committee reported to Parliament on March 21, 1967, and it made clear recommendations, but the then Government went wrong in not following those recommendations right through. Labor Governments are notorious for setting up committees and then not taking much notice of their reports; in this connection I could refer to the legislation relating to the Citrus Organization Committee.

The Hon. T. M. Casey: Why didn't you alter it when you had the opportunity?

The Hon. C. R. STORY: The opportunity to do what?

The Hon T. M. Casey: Change the organization.

The Hon. C. R. STORY: I think I did my part. I got a new board, but the Minister could not get rid of it quickly enough. It is like a eunuch at present. The committee that inquired into boating comprised Mr. R. J. Wright, Chairman, representing the South Australian Harbors Board; Mr. F. D. Hannan, representing the Water Safety Council of South Australia, Mr. W. F. Johns, representing the Australian Coastguard Auxiliary (S.A. District); Mr. D. J. Newlands, representing the South Australian Boatowners Association; and Inspector M Northwood, representing the South Australian Police Department That comprehensive committee took evidence from many helpful witnesses. In explaining this Bill the Minister skipped over some of the more objectionable aspects of it. The first thing that comes to my notice is the definition of "boat", which is as follows:

> "boat" means any vessel that is used or is capable of being used as a means of transportation on water but does not include a boat used for the transportation for monetary or other consideration of passengers, livestock, or goods, or for other commercial purposes, plying in or between Australian ports, or between Australian ports and the ports of any country, State or territory outside Australia:

In that wide definition everything that is capable of being used as a means of transportation on water is covered, including water skis, surfboards—

The Hon. R. C. DeGaris: Bath tubs?

The Hon. C. R. STORY: Yes.

The Hon. A. M. Whyte: Hovercraft?

The Hon. C. R STORY. Yes, and houseboats, too

The Hon. Sir Arthur Rymill: Does it apply to bath tubs when they are used as bath tubs?

The Hon. C. R. STORY: Yes, provided that one puts a small electric motor on them to scrub one's back. The following is the definition of "motor boat":

> "motor boat" means any boat that is, or is to be, propelled by an internal combustion engine, an electrical engine, or other similar device, whether or not that engine or device is the principal source of propulsion:

That definition, too, covers a wide spectrum. "Operator" is defined as follows:

> "operator" in relation to a boat means a person who exercises control over the course or direction of a boat, or over the means of propulsion of a boat, while the boat is under way; and the verb "to operate" in relation to a boat has a corresponding meaning:

This is evidence that the legislation has not been thought out properly.

The Hon. T. M. Casey: That definition means that he is the driver.

The Hon R. A. Geddes A yacht does not have a driver!

The Hon. C. R. STORY: Three people could play a joint part in sailing a boat; they are responsible for exercising control over the course or direction of the boat or over the means of propulsion. There is a person on the tiller, a person on the sails, and a person giving the instructions. How will the legislation apply in those circumstances? Obviously, the Bill has not been thought out carefully In the case of a yacht it is not a question of the driver

The Hon. T. M. Casey: I said "driver" before you referred to yachts.

The Hon C R STORY So, in the definitions of "motor boat" and "boat" there is evidence of a lack of thought in preparing the Bill. The definition of "owner" provides:

> "owner" in respect of a boat, includes a part owner of the boat, and a person who has for the time being the posession and use of the boat, but does not include a person who has a conditional or unconditional right to take possession of the boat under a hire-purchase agreement, bill of sale, or other similar instrument, but has not yet exercised that right:

This is most difficult. Under this legislation, the onus is placed on the owner, but he can get out of any charge if he can prove that he was not aware of what was happening in the boat at the time. Once again, we have a multiplicity of people who can be placed in the category of "owner". The matter of potential speed is interesting,

and I defy any boat owner to be sure that he is not contravening the law when he is operating the boat. The Bill provides:

"potential speed" in relation to a motor boat means the maximum speed of which the boat is capable—

That seems straightforward, but then the interpretation provides.

(*a*) when moving through the water under its own power without assistance or hindrance from tide, current or wind; and

(*b*) when carrying only a licensed operator and without any other load:

One part of the Bill stipulates that an operator must not, in any circumstances, proceed at a speed greater than 6 knots (11·1 km/h) when in the vicinity of a boat displaying a sign indicating that a diver is down below and working from the boat or when in the vicinity of swimmers. With such a definition, how on earth can a man estimate his speed? Even if he has a tachometer on the motor and can work out the number of revolutions, he must know the tide speed, and how can he do that? It is just too silly for words; when one looks at the penalty that can be imposed (including the loss of licence) it is not reasonable, to say the least I have already mentioned the interpretation of "potential speed", but "speed" is defined as follows:

"speed" means speed with reference to a stationary horizontal plane (as distinct from speed through water which may itself be in motion):

I am sure the average boat operator would be delighted with that, and it would make quite clear to him just what it all means! It certainly does not mean anything to me. The interpretations of "the Director" and "the Minister" are fairly straightforward, but "vessel" is defined as follows:

"vessel" includes any ship, boat or vessel of any description, used in navigation and includes—

(*a*) a hovercraft or other air-cushion vehicle; or

(*b*) any other vehicle supported or propelled by pneumatic force:

The important definition, however, relates to the waters under the control of the Minister, and at the moment we do not know just what that means. We know that waters under the control of the Minister under the Marine Act or the Harbors Act would include the Murray River and its offshoots as well as other rivers, and also would include the harbors as prescribed in the Act

In the next clause, we see that the Governor may, by proclamation, include any other waters which can be brought under the control of the Minister. As we have been going through a good deal of trauma in recent times with the Commonwealth Government in Canberra regarding offshore limits, it seems to me that not nearly enough research has been done into the powers of the Minister of Marine in relation to the three-mile (4·8 km) limit and the high-water mark We are not clear at present on the fishing laws of the State, nor are we clear about matters of mineral exploration, yet in a Bill such as this it is assumed that waters outside our own territories come under the jurisdiction of the Minister of Marine. I do not believe sufficient thinking has gone into this, and it will be most interesting to hear about some of the legal aspects of the matter.

I come now to the registration of motor boats. I agree that motor boats should be registered. That is absolutely necessary, and each boat must have a number given to it, to be prominently displayed, so that people who act the fool can be brought to book. This is a fairly important part of any boating legislation. However, I am perturbed at what it will cost for registration.

The Hon. T. M. Casey: Five dollars is what you have been told.

The Hon. C. M. Hill: But what about the future?

The Hon. T. M. Casey: It will not be any more than $5. That has been stated.

The Hon. C. M Hill: For how long? You can't answer that

The Hon. T. M. Casey: Neither can you. It was asked what would be the charge first-up. You've been saying it will be exorbitant, about $100. That's a lot of rubbish

The Hon. C M. Hill: Who said that?

The PRESIDENT: Order! The Hon. Mr. Story.

The Hon. C. R. STORY: I did not realize that we had gone into Committee at such an early stage. Before the interjection by the Minister, who was giving us good information, which was being given free, as I understand it, I had understood the fee would be $5.

The Hon. T. M Casey: It would not be any more than $5. It could be less.

The Hon. C. R STORY: It could be less?

The Hon. T. M. Casey: Yes.

The Hon. C. R. STORY: The recommendation of the committee, when it looked at the situation, was that it should be $2.

The Hon. T. M. Casey: When was that?

The Hon. C. R. STORY: That was in 1967, and allowing for inflation it could not have reached a figure more than double that amount without something else being included.

The Hon. T. M. Casey: I think you are lost on that one.

The Hon. C. R. STORY: The committee recommended $2, and went on to say that, if the Minister were to provide a policing service under the Marine and Harbors Department, the fee should be $4. I wonder whether the Minister in charge of this Bill, or the Minister who introduced it into Parliament, has read the debates when similar legislation was introduced into the Western Australian Parliament not many years ago.

The Hon. T. M. Casey: He has.

The Hon. C. R. STORY: Sentiments were expressed similar to those expressed by the Minister today. The registration fee was to reach only a very nominal amount.

The Hon. T. M. Casey: Very good; carry on.

The Hon. C. R. STORY: At present the registration in Western Australia is $30 a boat each year.

The Hon. T. M. Casey: Are you sure of that?

The PRESIDENT: Order! Interruptions are entirely out of order.

The Hon. C. R. STORY: I am perfectly sure of it, yes. The department there is providing a policing service, but that is the amount being charged. On the figures I have been given (and I believe they will stand up to scrutiny) it seems that about 30 000 boats will come under the registration provisions if this legislation is passed

The Hon. T. M. Casey: Have you finished with Western Australia? You've left it at $30 for registration, and nothing else.

The Hon. C. R. STORY: I suggest the Minister also considers licensing when he looks up the figure for registration in Western Australia.

The Hon. T. M. Casey: I have looked it up, and I know what the answer is.

The PRESIDENT: Order! This is not a discussion; it is a speech being made by the Hon. Mr. Story, and I warn the Minister that his continued interruptions will not be permitted.

The Hon. C. R. STORY: As I see it, the figures I have quoted have been offered as a guide. Figures have also been given to me that indicate that to manage this problem properly in South Australia, which has about 30 000 boats, registration would have to be handled at a central point and licensing at places other than in the metropolitan area. Someone will have to examine potential licensees: they will not do that for nothing. Therefore, centres will have to be established throughout the State. If it is expected that the South Australian Police Department is to provide yet another service for a department (and the Police Department already does plenty of this type of work at present) it would be completely wrong.

The Minister said that the Postmaster-General's Department would be approached to see whether it could issue licences in certain circumstances and in certain places throughout the State. However, we do not yet know how many centres will be required, so how can anyone estimate what the administration costs of this department will be? How can an arbitrary figure of $6 be decided just like that when it is not known how many inspectors will be needed or how many boats will have to be registered? I do not know how many boats will come to South Australia from other States, but, as I see it, if a boat crosses the South Australian border it will naturally come under South Australian law and the owner will have to apply to register the boat.

If the figure I have quoted for registration in Western Australia is wrong, I will listen with great interest to the Minister when he explains the matter. However, the information that I have given is what I have been told. It is also estimated that it would cost about $600 000 a year for this department, if it is properly administered, to do its job as laid down in the Bill. Also, the department may have to employ 40 inspectors to function correctly. These matters have been thought out by someone outside this Chamber, and that is more than we have had from the Government. It seems that at least someone is thinking about the whole matter.

The matter of licensing boat operators is very important. I cannot see why everyone who has a 2 h.p. or 3 h.p. motor stuck on the back of his dinghy should have to be licensed. I agree that the boat should be registered, but I cannot agree that the owner be licensed. The same applies to yachts that have auxiliary engines: why should the operator have to be licensed? There are sometimes several operators on a yacht and it would cost them $2 each for a licence (or whatever the charge will be: the Minister has not told us how much a licence will be and it seems that he has just plucked the figure from out of the air).

Houseboats on the Murray River are another important aspect of this legislation. At present 57 houseboats are located on the Murray River from the mouth of the Murray to the border of South Australia with Victoria. Those 57 houseboats represent a vast investment, an investment that has been made in the main by people who started from scratch with one boat and gradually built up a fleet. Houseboat operators have provided a wonderful and safe service. In fact, not one fatality has occurred on a houseboat in South Australia. A person was drowned as a result of getting into a dinghy whilst a houseboat was tied up to the bank, however, he fell out of the dinghy when he stood up and was carried away by the current and lost. That death had nothing at all to do with the operation of the houseboat. Houseboats attain speeds of between 5 and 6 knots (9·25 or 11·10 km/h) at the most. The biggest houseboat is capable of taking 10 people, and the smallest is capable of taking six, seven, or eight people. Part of the thrill of taking a houseboat out is that everyone has a turn to operate it. In New South Wales one can walk on to a boat of a similar type, or a launch, without having to be licensed.

The Hon. C. M. Hill: They have powerful launches on the Eildon Weir.

The Hon. C. R. STORY: They are very powerful on the Eildon Weir, and also on the Hawkesbury River. The people who operate those craft do not have to be licensed. South Australian houseboat proprietors, or their agents, give at least half an hour's elementary instruction on how to operate the boat and an elementary instruction regarding safety. The South Australian Government is indeed proud, particularly the Premier, with the efforts being made regarding tourism. Few forms of tourism exist that are as popular as houseboating is at present. At least 25 per cent of the people who use houseboats in South Australia come from other States.

The Hon. R. C. DeGaris: How will they get on? They will have to get a licence, too.

The Hon. C. R. STORY: The way in which they will get a licence is rather remarkable and demonstrates how ludicrous this legislation is. If a person lived in Canberra, or some place as remote as that (even if the Minister could arrange with the P.M.G. and it was more co-operative in handling licences under this legislation than it is in delivering mail on Saturday) he would go to a post office, apply in writing for a licence, hand over his money, and be given a licence. That person with a licence would then come to one of the Murray River towns to board a houseboat with his party, and surely other members of his party would not wish to be licensed just to operate a houseboat. that would be ridiculous. They would have to anticipate some time before that they were going on a boating holiday. They would have to apply to someone to undergo a written test, or at least a test.

It is inconceivable to me that someone will test a person who arrives here in South Australia tired, with all his provisions but without a licence. There cannot be one tester in every hamlet along the river where there are houseboats; that would be impossible. As a result, people will not go on a houseboat. they will give it away as being too much trouble, and an industry that has been pulled up by its own boot straps by private enterprise will be crushed by the bureaucratic control that will be set up if this Bill is passed in its present form. In the Committee stage I will move that all boats not capable of a greater speed than 18 kilometres (or 10 knots or about 11½ miles) an hour be excluded from licensing. That would exclude dinghies as well as slow moving boats and houseboats.

The Hon. R. C. DeGaris: But you would not remove them from the safety measures, though?

The Hon. C. R. STORY: No. The boats, by being registered, would come under the safety measures: all the safety measures would have to be observed. We do not know what they will be, however. Once again, in this Bill that matter is left to the discretion of the Director, in the main. In fact, the Director plays almost as great a part in this legislation as the Director of another department would have played under the Road and Railway Transport Act in a Bill that this Council dealt with so harshly a few years ago when that matter was to be done by regulation, at the behest of the head of the department.

The Minister comes into this now in only a very few cases. Under an amendment written in in another place, the appeal that was to be provided to the Minister has been taken away, and the appeal is now to the court, which,

of course, is much better; but we have no idea what the safety regulations will require. If they are to be a complete block on the whole State, comparing those people who want to go five miles (8 km) or 10 miles (16 km) out to sea with those people who want to putter around on an inland stream, it would be ridiculous. For instance, it would be ridiculous to put flares into a dinghy with an outboard motor on it, which was doing a bit of fishing in the Murray; but it is most essential to have flares on a vessel going to sea or being used around the South Australian coast It will be necessary to have on board life jackets or other forms of life preserver, and fire extinguishers and things of that nature, but nothing like that is spelt out in this Bill: it is all to be in the discretion of the Director and to be done by regulation. It is only that part that is done by regulation· many of the earlier parts are to be done by proclamation I do not object to that, because the proclamation provision deals mainly with proclaiming certain areas where this is to come into operation.

I think I have said sufficient to indicate that there are several flaws in this Bill, that it has not been thought through thoroughly. I would give it much more of a combing over if it were not for the fact that I intend, at the conclusion of the second reading debate, to move that the matter be referred to a Select Committee to take evidence from all interested parties, in an effort to help the Government redraft sensibly some necessary safety rules for boats. I do not believe, as I said at the outset, that we need this heavy-handed approach to something that will affect the pleasure of boating. Instead of that, it will become nothing but a drudge, because people will not know, when they go out in a boat, whether they will be picked up by an inspector or whether they will have to pimp on their friends or families: there are provisions in this Bill for them to do just that, and there is no appeal from the Director's decision in many of these matters.

I support wholeheartedly anything done in the interest of safety, but with certain portions of this Bill I cannot go the whole way. To try to amend it will only make for a patched quilt I should like to see it reported on by a Select Committee, the Government accept that report, withdraw this Bill, rephrase it, and reintroduce it, because I know that the boating people of South Australia are reasonable provided we do not push them too far.

The Hon J C. BURDETT (Southern): I support the second reading of this Bill. I recognize the need for some control on boating and for providing some safety measures. My home overlooks the Murray River, and particularly at weekends I often see such sights as a small dinghy suited to carry about four persons with about 14 persons in it, all without life jackets, many of them being children, the boat apparently showing 2in. (50 mm) or 3in (76 mm.) of freeboard. Something must be done to control that kind of thing. Also, in the press recently we have read of some tragedies and near-tragedies at sea, mainly in the gulf, so I recognize there must be some sort of control. At the same time, we must appreciate that not all tragedies will be averted simply by having control I have some nostalgia for the old free days of boating when so often I, and doubtless many other honourable members, got away from it all: we got into a boat and did not worry very much about anything. We got away from red tape for a few hours or days. In some ways unfortunately, those days will not be with us again, and we shall find that, when we are in a boat, we shall have just as much formality and red tape to cope with as ever; and that will increase, because more and more people have boats and sail in them, so there will be more dangers. Something must be done about it.

I refer, as the Hon. Mr. Story did, to the provisions under the Merchant Shipping Act in regard to this Bill. The Bill is reserved for the Queen's assent. I am not satisfied that that will overcome the problems. The safety requirements (and, presumably, this Bill is concerned with safety; I see no other reason for introducing it) under the Merchant Shipping Act are more stringent than anyone could think would be applied under this Bill. Clause 10 of the Bill provides:

(1) This Part shall not apply to—
  (*a*) Any motor boat that is for the time being required to be registered, and to bear an identification mark, under the provisions of any other Act or law; or
  (*b*) Any motor boat, or class or motor boats, that is, by proclamation, exempted from the provisions of this Part.

So, we find that any boats required to be registered under any other Act, including the Merchant Shipping Act, are exempted However, it is dubious in many cases just what vessels are required to be registered under the Merchant Shipping Act I suggest that it would be a far more sensible provision if all boats, registered under the Merchant Shipping Act or under similar legislation, were exempted. What would be the position under the Bill as it now stands if a Victorian yacht in South Australian waters registered as a British ship? The question could arise whether it was required to be registered as a British ship. If it is not required to be so registered, it would be subject to this Act, if passed, and to all the safety requirements. This would be unnecessary, because the requirements under the Merchant Shipping Act are entirely satisfactory and far more stringent than those in the Bill.

If the Bill is passed in some form and goes to the Queen for her own personal assent (which will be necessary, as it is a Constitutional Bill, which is recognized in the Bill itself), which of Her Majesty's Ministers will advise her regarding it? Will it be the Ministers of the United Kingdom, the Minister for the State of South Australia or the Ministers of the Commonwealth of Australia, because it may well be said that this Bill could relate to Federal matters regarding vessels, say, outside the three mile limit? Will the Minister, when replying, say which of Her Majesty's Ministers will advise her in regard to the Bill? I strongly suspect that it will be Her Majesty's English Ministers and not the South Australian or Federal Ministers.

The Hon. T. M. Casey: That's a curly one.

The Hon. J. C. BURDETT: Yes. Regarding the question of licensing and the requirement to licence operators, as the Hon. Mr Story said, "operator" in relation to a boat means a person who exercises control over the course or direction of a boat or over the means of propulsion of a boat while it is under way, and the expression to operate in relation to a boat has a corresponding meaning. In the case of a sailing boat, which has auxiliary power and therefore is a motor boat within the meaning of the Bill, any person who handled a sheet would be an operator because he would have control over the course or direction of the boat by tightening or loosening the sheet. Will all of these people have to be licensed?

Take the case of a yacht with a family on board and father gives the helm to mother while he goes forward to drop anchor. Does this mean that mother must be licensed under the Bill? I think it does. Would it not be sufficient if it were required that the person in charge of the boat be licensed? The term "being in charge of" is well recognized.

The Hon. C. M. Hill: In command of.

The Hon. J. C. BURDETT: Yes, and I bow to the Hon. Mr. Hill because of his naval experience. Both terms are well recognized, and surely it would be sufficient if that person were licensed.

The Hon. Sir Arthur Rymill: Don't you think that they really meant to say a person in charge?

The Hon. J. C. BURDETT: I think that is so

The Hon. Sir Arthur Rymill: Even though they haven't said it, I think that's what they meant.

The Hon J. C. BURDETT: I think that is so. Possibly the Government was intending to provide that the person in charge or in command should be licensed, but the definition of "operator" in the definitions clause goes beyond that. I think one of the faults of the Bill may well be that the Government did not call sufficiently on the vast store of expertise available from the various boating organizations. The Bill has every mark of having been devised by a competent draftsman who has no knowledge of boating It would have been better for the Government to call on the services of the various boating organizations to help, because they approve of the principles of the Bill.

Another clause that disturbs me considerably is clause 23, which relates to the duty to report after an accident. I point out that this clause is far more stringent than the requirements of the Road Traffic Act. Surely there is no need for that. Clause 23 (3) provides:

The operator of a boat involved in a collision or other casualty in waters under the control of the Minister shall as soon as practicable—

(*a*) where the collision or casualty results in death or personal injury, give the information required by this section in relation to the collision or casualty to a member of the Police Force at a police station near the place of the collision or casualty;

and

(*b*) whether or not the collision or casualty results in death or personal injury, give the information required by this section in relation to the collision or other casualty to the Director.

First, why report to both? In the case of a road accident, a driver does not have to report both to the police and the Registrar but only to the police. Surely it would be sufficient to report a boating accident to the police and not be asking too much that the police pass on any information the Director might want Why have to report to both? I consider this an arrant piece of reprehensible bureaucratic duplication. Clause 23 (4) provides:

The information required by this section in relation to a collision or casualty is as follows:

(*a*) the time and place of the collision or casualty;

(*b*) the circumstances of the collision or casualty;

That could be widely interpreted to mean a complete statement about the circumstances of the collision or casualty. Subclause (4) further provides:

(*c*) the name and address of any person killed or injured in the collision or casualty;

and

(*d*) the names and addresses of any witnesses of the collision or casualty.

Turning to the Road Traffic Act, surely the dangers on the road are at least as great as the dangers on water. Section 43 of the Act merely provides that an accident must be reported as soon as reasonably practicable and in any case within 24 hours after the occurrence of the accident to a member of the Police Force or at a police station That is all that is required.

The Hon. R. A. Geddes: The person involved in a motor car accident is taken into consideration, whereas a boat owner is not.

The Hon. J C. BURDETT: A motorist must report that an accident has happened, but he is not compelled to make any statement regarding the circumstances or anything else. The only other similar provision in the Road Traffic Act is section 38, which provides that a person involved in an accident shall truly answer any question put to him by a member of the Police Force as to who was the driver or owner of the vehicle in question. That is the only question that one has to answer. In this case, if one is an operator involved in an accident, he has to make a statement as to the circumstances of the collision. One member of a family may be driving one boat and another member of the same family may be driving another boat, and they may be involved in a collision In those circumstances both persons would have to report, and both would have to make statements as to the circumstances True, subclause (5) provides:

Notwithstanding the provisions of subsection (4) of this section the operator of a boat involved in a collision or casualty shall not be obliged to supply any information that might incriminate him of an offence.

However, in the situation I have just described, under this Bill it appears that the driver of one boat would have to make a complete statement of all the circumstances, even if that involved incriminating a member of his own family. Clause 30 (1) provides

Where a member of the Police Force or a person authorized in writing by the Minister suspects upon reasonable grounds a person has committed an offence against this Act—

(*a*) he may, where that person is operating a boat, direct him to stop the boat;

and

(*b*) he may require that person or any other person in the boat to state his name and address.

It is fair enough that, if the operator is suspected of an offence, he should be stopped and asked for his name and address, but why should "any other person" be asked for his name and address, too? This is an invasion of privacy, which the Government says it wants to protect Regarding clause 36, I agree with some of the guidelines for determining fees. Subclauses (2) and (3) provide.

(2) Before registration fees in respect of motor boats are prescribed pursuant to the provisions of this Act, the Minister shall submit to the Governor an estimate of the expenditure to be incurred in the administration of this Act, and of the number of registration fees he expects to be paid or recovered pursuant to the provisions of this Act.

(3) In prescribing registration fees in respect of motor boats the Governor shall have regard to the estimates submitted pursuant to subsection (2) of this section, and the fees prescribed shall not exceed such amounts as will, in the opinion of the Governor, result in sufficient revenue to meet that expenditure.

I believe that the fees should be prescribed by regulation As the provision stands at present, there is too much scope for fees to escalate, and the Government could be tempted to use this Bill as a means of making money, as has occurred elsewhere. The guidelines should remain, but the fees should be determined by regulation, so that Parliament can retain some control over them What is meant by "expenditure to be incurred in the administration of this Act"? Does that include the cost of policing the legislation, or does it relate merely to the clerical administration? I suggest that it should include only the latter

The licence fee under the Motor Vehicles Act certainly does not include any part of the cost of the Police Force The Government must bear the cost of policing the legislation we are considering, as it does in every other field I believe that the term "administration" in clause 36 should be defined so that it is confined to the clerical type of administration and so that it does not extend to policing.

The Hon. Mr. Story fully covered the important matter of house boats. There are so many anomalies in this Bill and there has been so little reference to the people whom, after all, this Bill mainly concerns (the boat owners) that the only logical course is to sumbit this Bill to the consideration of a Select Committee; to enable that to be done, I support the second reading.

The Hon. Sir ARTHUR RYMILL (Central No. 2): We have heard a couple of river men speak, so I think it is time that honourable members heard a deep sea man—

The Hon. R. C. DeGaris: A blue water man.

The Hon. Sir ARTHUR RYMILL Yes. I am a yachtsman of 50 years experience. I started as a yachtsbaby, I am told, at 6 weeks of age. I do not clearly remember the occasion, but I am told that my milk bar was mobile. I am the proud possessor (I believe the only one in South Australia) of a ticket of a "Skipper Confirmed" in the naval auxiliary patrol branch of the Royal Australian Naval Volunteer Reserve, and I was a lecturer in navigation So, I think I can speak with some authority on the Bill. I could not agree more with the Hon. Mr. Burdett about the question of operating a yacht. The Hon. Mr. Story referred to the same matter. While the Hon. Mr. Burdett was speaking I interjected and said that I thought that the legislation was intended to refer to a person in charge of a yacht. I am not so keen on the term "commander" in connection with yachts, because when I thought I was in command of a yacht I sometimes found that I might not be regarded as completely in command. So, I think that the provision ought to refer to the person in charge of the vessel. From experience, I can say that there can be only one person in charge of a vessel; if there is more than one, the vessel is in real trouble.

The Hon. T. M. Casey: There might be an emergency driver as well.

The Hon. Sir ARTHUR RYMILL: Whether you are on the river or on the sea there should be only one person in charge, and that person is the one to whom this Bill should be directed. The Hon. Mr. Story instanced the example of a for'ard hand in relation to jib sails, fore sails, or stay sails. Certainly, that person, under the definition as I see it, must be a person operating the yacht; he is assisting to do so. The owner's wife holding the wheel while her husband goes for'ard to let down the anchor is obviously an operator of the yacht in accordance with the provision. Indeed, if she went for'ard to let go the anchor, I imagine she would be an operator in the same way. Also, someone hurling a line to a wharf or jetty could be an operator.

If one wanted to take some friends out for a cruise and if one used them as helpers, everyone on board would need to be licensed. Otherwise, they would not be able to do any work on the ship. The last thing needed on a ship is people who do not do any work. I talked this morning with an ardent yachtsman, a colleague of a friend of mine. He has a pleasant vessel, and I asked what he thought on this question of licences to operate yachts. He said, "I was a lieutenant in the Navy, and I have a watch-keeping certificate to take a 6 000-ton cruiser to sea, but under this legislation I cannot take my own yacht" If and when this Bill passes, he must go before the examiner and get some entirely lesser certificate, when he probably would know a good deal more about the matter than the examiner. I mention this to illustrate the difficulty one must face with this legislation.

During the Second World War there was, if I remember rightly, legislation relating to the registration of small vessels, although I think that was possibly for another purpose. I do not think that, in itself, was tremendously onerous but it seems to me, as other honourable members have said, that there is not the objection to the registration of a vessel or even to the prescription of safety devices that there is to the question of licensing, and also the fact that no maximum fee, as I understand it, is prescribed by the Bill. I have noticed that the present Government has been rather heavy-handed when it has introduced new legislation of this sort. It often seems to use a sledge hammer to crack a walnut, and I think this is another such instance.

This Bill goes far beyond what is needed for the purposes for which it is intended which, as the Hon. Mr. Burdett said, is primarily safety, although one cannot help feeling there is a small question of revenue involved as well I think it goes far further than is necessary, and I shall certainly support the question of a Select Committee having a good look at this I know many yachtsmen and boatmen are most excited about the matter, and I do not blame them. We have read in the newspaper this evening that a tremendous mass meeting was held at Port Adelaide last night. Such things do not just happen unless people feel that their fundamental rights are being interfered with. Before I support this legislation, I would like to have an assurance from a Select Committee that everything is satisfactory, although I certainly do not oppose some of the underlying principles of the measure. Therefore, if there is a move to appoint a Select Committee to investigate the matter for us, I shall support it.

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise briefly to commend the speeches made by the Hon. Mr. Story, the Hon. Mr. Burdett, and the Hon. Sir Arthur Rymill, and to support the second reading of the Bill, on the proviso that the Bill is referred to a Select Committee The reasons for this have been excellently outlined by the three members in their speeches. The Hon. Sir Arthur Rymill said that already we have had two river men and one blue-water man speaking on the Bill. I am in a rather doubtful category in that I have only a ship's wireless operator's certificate. I do not know very much about sailing, but I know the water underneath me I should like to have incorporated in *Hansard* a letter which came to all members from the Affiliated Boat Clubs of South Australia relating to a meeting held last night. It is worth while including, and it reads as follows:

On Monday, March 25, 1974, a public meeting convened by Affiliated Boat Clubs of South Australia Inc. was held in the Port Adelaide Town Hall to consider the Bill for the Boating Act, 1974. An accurate count was made of the members of the public passing through the doors (excluding my association's own officials); 1 950 members of the public attended the meeting and a crowd estimated at 200 was turned away due to the lack of accommodation. In answer to an invitation contained in the notice of meeting, four principal speakers gave notice to me of their intention to address the meeting and there were also several other speakers from the floor. I am able to give you my firm assurance that there was a proper opportunity given at the meeting for every person present to express his point of view. The meeting unanimously passed the following resolutions:

1. We express our grave concern at the present Bill with its excessive and undefined executive powers, with its vagueness and silence on many important matters, and with its potential for enormous cost escalation.
2. While we acknowledge the need for some legislation with respect to boating safety, we urge the Government to reconsider the Bill and its attendant regulations in consultation with boatmen before the Bill becomes law.

The meeting was advertised by public advertisement, leaflet and television advertisement. Newspaper reports attributed to the Minister of Marine have now appeared criticizing

the form of advertisement. I would point out the fact that despite advertisements continuing to appear in the press on Friday, Saturday, Sunday, and Monday, with my telephone number prominently displayed, neither the Minister nor any of his advisers nor anyone else thought fit to approach me personally to voice protest. Accordingly, having remained silent for so long in the face of these repeated advertisements, I would question whether it is now open for the Minister to raise his objection so late in the day. My association deplores any attempt to divert public attention from the issues contained in the Bill itself.

In my letter to you of March 20, 1974, my association recorded an outline of its grounds of objection to the Bill in matters of principle. However, there are many other purely technical matters where the Bill has serious shortcomings but an opportunity has not yet been given to my association to develop its views. It is the opinion of my members that the present Bill does little to advance the interests of boating safety and, unfortunately, is positively harmful. For example, there are those boatmen who do not normally use auxiliary power but who carry an outboard for emergency use. The form of the Act in requiring registration of motor boats will discourage these people from continuing to have available a most desirable piece of safety equipment. I reiterate that my association accepts the need for legislation but, balancing all factors, considers that the present Bill will not advance the interests of safety. My association, which claims to represent the interests of the real boating public, expresses its willingness to assist in any possible way in the redraft or amendment of this Bill.

It is signed "B. K. Heaven", the President of the Affiliated Boat Clubs of South Australia. I think that letter accurately sums up the attitude of the three members who have spoken. Also, it was reported that the Minister, in drafting this legislation, had contacted 30 interested clubs that had given approval to the legislation, yet right around the State, as people have become aware of what was in the Bill, there has been a wave of criticism against the legislation

Members of the National Safety Council rang me in relation to matters of safety and asked if they could see me about the Bill, saying they were totally in agreement with the idea of increasing safety. I told them I thought there were things in the Bill that should be examined further and, with the boatmen, these people have agreed that it should be referred to a Select Committee so that these matters can be examined. The Hon. Mr. Burdett raised the matter of the United Kingdom Merchant Shipping Act, and that is a valid constitutional point. Although he directed a question to the Minister, I would assume that, before Her Majesty assented to the Bill when it was passed, she would consult with her Ministers in the United Kingdom. I think it would be her duty to make sure that any legislation of this Parliament did not conflict with the provisions of the Merchant Shipping Act. I am sure it would be necessary for her to do it in that way. We must be extremely careful that there is no conflict between this legislation and the Merchant Shipping Act as it applies in Australia.

I do not wish to comment a great deal further. I agree with the Hon. Mr. Story about what I will term the noncontentious points which appear in the Bill The definition of "motor boat" is so wide that it includes a boat in which an outboard or other motor has been removed or is not in operation. An auxiliary yacht under sail must be operated with a licence, as must a registered dinghy. The contentious words in the definition of "motor boat" are "is to be". The definition of "operator" has been dealt with previously by three speakers, as has the definition of "speed". How can one ascertain the speed at which a boat would travel over the ground? That is beyond me. No person who has had anything to do with a boat under power or under sail has any device that could tell him what speed he was doing over the ground at a precise time: it is just not possible.

The cancellation of a licence under clause 20 deals with cancellation only and not with a disqualification from obtaining a licence, as is provided in the Road Traffic Act. As it stands in the Bill, a man previously disqualified could merely reapply next day for a new licence. In that case I believe the licensing authority would have to give him a new licence, because the Bill provides for disqualification from holding a licence only and says nothing about obtaining a licence I will conclude by going back to a question I directed recently to the Chief Secretary. I believe that it is unjustified to expect members in this Chamber, following a meeting of 1 950 people at Port Adelaide last night that considered a series of difficulties contained in the provisions of the Bill, to do anything with this Bill within the two days that remain of this session. If this Bill had been introduced at the beginning of this session it would still seem justifiable that it be referred to a Select Committee. However, in the face of all the facts, in the face of what has happened, and in the face of (and I do not like saying this but believe it to be true) an attitude adopted by the Minister almost of arrogance towards this legislation, a need exists to expose this Bill to the public through a Select Committee so that all the evidence available can be obtained from those who know the boating scene and from those who have the necessary information on boating safety. Perhaps then a redrafted Bill could be introduced. I support the second reading of the Bill but with a proviso that the Bill be referred to a Select Committee.

The Hon. T M. CASEY (Minister of Agriculture): I was very patient and listened attentively to all the wizards from the river and from the blue waters, and am utterly convinced that they know nothing whatever about boating regulations or what happens on the river or on the blue waters.

The Hon. C. R Story: What about the Blue Lake?

The Hon. T. M. CASEY: I hope that the President will berate the honourable member for his interjection in the same way as he did me.

The PRESIDENT: Order! The Minister will not reflect on the Chair; I will be the judge of whether a member has an uninterrupted hearing or not.

The Hon. T. M. CASEY: First, I will deal briefly with the Hon. Mr. Story's contribution to this Bill. He did not say anything that I did not expect him to say. It is common knowledge that his Party has the ability to do many things regarding legislation. It is because it is in the fortunate position of having the numbers in this Council that the Opposition can do strange things to Government legislation.

The Hon. D. H L Banfield: And it does from time to time!

The Hon. T. M. CASEY: That is for sure. In this case, where we have legislation which is so important to all South Australians, I do not believe it is an infringement of their leisure. In 1967 the first Select Committee on this matter was appointed to look into boating regulations in this State, and much work went into compiling the necessary information. That was the first committee that was set up, and since then all the other States and the Commonwealth have become very interested in this type of legislation. As recently as a year ago a meeting was held by a committee of State officers, including the Commonwealth, of the Association of Australian Port and Marine Authorities. That association's recommendations were put forward not only by the association but also by a subcommittee that met in Sydney 12 months previously concerning matters relating to the control of pleasure craft and adventurers.

It seems to me that this process of setting up committees could go on *ad infinitum* Experts who have looked at this matter since 1967 include not only South Australians but also people from other States. This legislation was based on all the available and relevant information that could be obtained throughout the Commonwealth. It is all right for members opposite to get up and say that this Bill will infringe the rights of the individual and that the Government is going to charge exorbitant registration fees. The Hon Mr Story stated that the registration fee in Western Australia was $30 We did a check this morning and I have been informed by the Director of Harbors and Lights in Western Australia that the registration fee is actually $4 to $8 That is the type of half truth that is being conveyed to the public by people with vested interests in this matter. The Hon. Mr Burdett said that these provisions would probably keep some people away from boating in the future because they would have to register their craft and obtain a licence. He also said that they would probably say it was not worth the trouble and would not worry about it It is as simple as that.

The Hon J. C Burdett: I did not say that

The Hon. T. M. CASEY: If you did not say it, one of your colleagues did.

The Hon. C. R. Story: There was not much of a contribution to the debate from your side of the Chamber

The Hon T. M. CASEY: Anyway, we did not interject; we abided by the President's ruling I believe in doing what I am told by the President when an honourable member speaks. I listened attentively to the Hon. Mr. DeGaris talking about the meeting at Port Adelaide last night, when he said that 1 950 people attended and that they all had an equal opportunity to voice an opinion. If that is so, and each person spoke for one minute, the meeting should have lasted for 32 hours 50 minutes. If one wishes to be specific and tries to convey the impression that was conveyed to me by the Hon. Mr. DeGaris that everyone present at the meeting had an equal opportunity of saying something that is how long the meeting would have taken. That is if the honourable member wants to be specific It is a good thing for people to voice their opposition to any legislation. provided they are given the true facts in the first place.

I am looking at a pamphlet authorized by "The Affiliated Boat Clubs of South Australia Incorporated, B. K. Heaven, President" and a telephone number is given. It states:

This week State Parliament proposes: To make you pay registration and licence fees.

That is what it is meant to do. The pamphlet continues:

To police your leisure and restrict your use of any boat.

I do not think it does that.

The Hon. R. C DeGaris: But every person on a yacht will have to be licensed.

The Hon. T. M. CASEY: That is just not on. The pamphlet continues:

To erode your legal rights and increase your obligations.

I do not know exactly what that means; I should like that spelt out in a little more detail. The pamphlet continues:

To force you to be their common informer "dobbing-in" your boating mates.

The Hon R C. DeGaris: Doesn't it?

The Hon. T. M. CASEY: If people are going to dob each other in like that, I suppose it will be a very unusual society to live in; but people do dob other people in today, so there is nothing unusual about that The pamphlet continues:

To create yet another set of administrative costs.

Of course it does. We cannot police an Act without administrative costs; that is a known fact, but I do not believe the boating fraternity in this State has the full facts of this legislation in their true perspective

The Hon. R. C. DeGaris: What about—

The Hon. T. M. CASEY: Just be quiet. I have sat quietly listening to the Leader, at the direction of the President I listened also to the Hon. Sir Arthur Rymill, who said he knew of a gentleman who had a licence to take out of the harbor a 6 000 ton (6 900 t) vessel: that man probably knows more than the Director, who will administer this Act; yet he has to apply for a licence. I see nothing strange about that. If he is fortunate enough to own a power-driven yacht, under the Bill he must register it and get a licence to drive it, pilot it, or operate it; it is as simple as that. He should not be worried about the few dollars if he owns the yacht, anyway; that would not hurt his hip pocket at all, so I do not know what bearing that has on the case.

Let me now look at what has been said by some people from the Opposition Party in this State, the Liberal Party. I can go back to 1972 and perhaps even further than that, but I will not go back too far. Questions were asked by Liberal members, such as. "When are we going to have boating legislation introduced into South Australia?" Then again, "The time is gradually slipping by and people are losing their lives because there are no regulations on the boating fraternity in this State." Honourable members have gone right through from 1971 to 1972 and 1973 on exactly the same lines, asking when these boating regulations are coming in: I have here a question that was asked:

Six drownings occurred last year and four have occurred this year. Can the Minister say what the Government intends to do to protect people using small craft?

That is the type of question honourable members have been asking the Government over the past three years. At that time, the Minister in another place responded in these words, that he was waiting for uniform legislation throughout the Commonwealth to be enforced. He believes, and I, too, believe and the Government believes, that it is time now to do something about the legislation, yet when we introduce it honourable members opposite suddenly change their minds: they do not want to have anything to do with it. Why is that? They want legislation and then, when they get it, they say it is no good and want to set up their own Select Committee on their own terms. Of course, a Select Committee was set up in 1967, when experts from other States and the Commonwealth deliberated on this matter for at least three or four years, but honourable members still want another Select Committee. To me, that does not make sense. Let us look at the experts from the Murray River. We have heard that, because river houseboats are very slow moving, we will cripple the whole industry when we register those craft. That was conveyed by two experts from the river

The Hon C. R. Story: There is no—

The PRESIDENT: Order!

The Hon. T. M. CASEY: I have some information from a gentleman who was a patrol officer on the Murray River for seven years He travelled up and down the river from Goolwa to Blanchetown, so I think that he would be well qualified, having held that position for those years, to make comments; and they are not idle comments—they explain his assessment of the situation of river craft, and particularly houseboats He states

There would be in the vicinity of 50 hire drive-yourself houseboats on the River Murray in South Australia With all due respects to the hirers, who usually give the driver some basic driving instructions, the drivers have in many cases never been on the river, had no experience in driving a boat, and have no knowledge of regulations.

Honourable members who live on the river know that certain regulations must be adhered to when a craft is taken on the river. These people do not know those regulations. He continues:

Houseboats are not easily handled under windy conditions, particularly those which have little reserve power. These vessels are usually hired by families and parties of people. It appears that, once away from the base, the operating of the vessel is anybody's business

That would be so, and I do not doubt that for a moment. He continues:

I have personally seen young children at the controls. The inability of some of these persons to handle the mentioned vessels safely is obvious by their erratic course and the manner in which they sometimes navigate in hazardous areas. It would be difficult to say how many private houseboats there would be operating; naturally, the number is increasing These, too, to say the least, in many cases are operated by irresponsible persons who either do not know, do not think, or do not care as to where and how to operate. I quite frequently see hired and private houseboats being operated completely on the wrong side of the river and also get numerous complaints from the public regarding this and other misbehaviour. I have had complaints from lock masters regarding operating close to locks, even in flood conditions, and getting into difficulties. I personally took a message from a hirer to the lockmaster to disallow two of his houseboats through the lock because of the party's irresponsible behaviour.

I shall be happy to show this letter to honourable members.

The Hon. R. C. DeGaris: Who signed it?

The Hon. T. M. CASEY: I will show it to the Leader if he wants to read it. That was a report by a patrol officer with seven years experience on the river. Honourable members can see it and any other information I have in my possession.

The Hon. R. A. Geddes: What department does the patrol officer come under? Is it the Police Department?

The Hon. T. M. CASEY: I think the Marine and Harbors Department. He is an experienced man.

The Hon. C. R. STORY: On a point of order, Mr President. I ask the Minister to table the letter.

The Hon. T. M. CASEY: I offered to show the letter to honourable members. If they are not satisfied with that, I have no intention of tabling it, because I do not think it is relevant at this stage. I have quoted only excerpts from the letter, not the whole of it. If the honourable member wishes to read it, I am happy to show it to him, but I hope that he will not insist on my tabling it?

The Hon. C. R. Story: Who signed it?

The Hon. T. M. CASEY: Regarding questions raised by the Hon. Mr. DeGaris and the Hon. Mr. Burdett, namely, the Merchant Shipping Act, I believe that this matter has been discussed fully with the Minister by the barrister acting for the Royal South Australian Yacht Squadron, and a Crown Solicitor's opinion has been obtained on it. I think that this is a matter for lawyers. I understand that this matter has been cleared up.

The Hon. R. C. DeGaris: I don't think it has.

The PRESIDENT: Regarding the Hon. Mr. Story's point of order, Standing Order 453 provides:

A document quoted from in debate, if not of a confidential nature or such as should more properly be obtained by address, may be called for at any time during the debate, and on motion thereupon without notice may be ordered to be laid upon the table.

If the motion is seconded it becomes a resolution, the only qualification being whether it is a confidential letter As the Minister quoted from it, I take it that it is not confidential.

The Hon. T. M. CASEY: I believe that it is to the department and, for that reason, I am happy to show it to honourable members within the precincts of the Chamber. However, I do not believe that information conveyed to a Minister should necessarily become a public document. For those reasons, I ask the Council not to insist on my tabling the letter.

The PRESIDENT Is the motion seconded?

The Hon J. C BURDETT Yes, Sir.

The PRESIDENT. The question before the Chair is "That the motion be agreed to." For the question say "Aye", against "No". The "Noes" have it.

The Hon. C. R. STORY: Divide.

While the division bell was ringing:

The PRESIDENT: The Minister has now indicated that the document is of a confidential nature, so under Standing Orders I cannot proceed with the motion.

The Hon. T M. CASEY: Thank you for your ruling, Sir. However, I am still willing to allow honourable members to peruse the photostat copy of the letter in the precincts of this Chamber. However, I ask that the letter be treated as confidential. Nevertheless, I am sure that all honourable members would like to see the letter. It indicates that some people in the community are just as well, if not better, qualified to assess the situation in many cases.

The Hon. C. R Story: As you read from a confidential document are you going to have the remarks taken out of *Hansard*?

The Hon. T. M CASEY: Honourable members have indicated clearly to me that they set out to try to defeat the legislation in their own interests. As I have already said, Select Committees have been set up to deal with this measure.

The Hon Sir Arthur Rymill: But not on this Bill.

The Hon. T. M. CASEY: That does not matter. Why not debate the Bill on its merits and, if it needs amending, why not amend it? Why say, "Let's have a Council Select Committee deal with the matter, which will be constituted so that the Opposition will be in a majority against the Government"? This would show once again (and we must come back to this matter eventually) the power the Council has in the South Australian Legislature.

The Hon D. H. L. Banfield: The Government would have only one vote on the committee.

The Hon. R. C. DeGaris: Would the Minister like equality on the committee?

The Hon. T. M CASEY: It seems to me, in the interests of good legislation, that the Council has once again overstepped its mark. I believe that, if poor legislation is introduced, it can be amended. However, if good legislation is introduced, it should be accepted as such. On many occasions legislation that has come to us has been thrown out or torn in halves just to satisfy the whims of certain people—

The Hon. R. C. DeGaris: Oh!

The Hon. T M. CASEY: —outside in the community who have much sway with Opposition members There is no doubt about that. I will leave it at that and see what eventuates.

Bill read a second time.

The Hon. C. R STORY moved:

That the Bill be referred to a Select Committee.

The Council divided on the motion:

Ayes (12)—The Hons. J. C. Burdett, M B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter. Sir Arthur Rymill, C. R. Story (teller), and A. M Whyte.

Noes (6)—The Hons D. H. L Banfield, T M. Casey (teller), B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 6 for the Ayes.

Motion thus carried.

The Hon. C. R STORY (Midland): The Minister in charge of the Bill has requested that this matter be adjourned temporarily. I should like to know from you, Mr. President, whether that is possible and whether it would put me in a position of compromise. I have not yet moved a motion naming the personnel of the Select Committee.

The Hon. T. M. CASEY (Minister of Agriculture): I am not too sure whether I will be a member of the Select Committee. We want to have a talk about it, because I do not want to be a member of two Select Committees. I ask the Council's indulgence so that the matter can be sorted out.

The Hon. R. C. DeGaris: The membership of the committee could be changed later.

The Hon. A. J. Shard: That is very difficult to do.

The PRESIDENT: A solution to the problem would be for the Hon. Mr. Story to move that the committee be comprised of certain members. Debate can then take place on the motion, and, if necessary, progress can be reported.

The Hon. C. R STORY moved:

That the Select Committee comprise the Hons. J. C. Burdett, T. M. Casey, Jessie Cooper, C. W. Creedon, and C. R. Story.

The Hon. A. J. Shard: The names that were referred to in the motion are not the names that were mentioned to me earlier.

The Hon. T. M. CASEY secured the adjournment of the debate.

Later:

The Hon. T. M. CASEY (Minister of Agriculture): It has been indicated to me that members opposite would be happy to have a committee with equal numbers of Government and Opposition members. That would involve a committee of six but, to enable the committee to arrange certain matters, Standing Order 389 would have to be suspended to enable the Chairman of the Select Committee to have both a deliberative and a casting vote I do not think this would be irregular because, in the previous session of Parliament, the President of this Council and the Speaker in another place were given both a deliberative and a casting vote. Whether that situation can be applied in this case is for the Council to decide. I know members opposite want to equalize the numbers on the committee so that everyone is happy with the outcome, and the suspension of Standing Order 389 would resolve the situation. I would be willing to move that the committee should consist of six members, three from each side of the Council, and that Standing Order 389 be suspended to enable the Chairman to have both a deliberative and a casting vote.

The Hon. R. C. DeGARIS (Leader of the Opposition): We have reached an interesting situation, and for the information of the Council I should like to amplify certain matters. Under Standing Order 377 a Select Committee, unless otherwise ordered, shall consist of five members of the Council, and the Chairman of that committee of five has only a casting vote. Under the Joint Standing Orders a committee shall have an equality of members between the two Houses, giving an even number, and in that case the Chairman has only a deliberative vote. If the number is increased to six for a Select Committee then there must be a suspension of Standing Orders in relation to the Chairman having only a casting vote, and he must be given only a deliberative vote.

The Hon A. F. Kneebone: What happens if the votes are equal?

The Hon. R. C. DeGARIS: The committee members could make separate reports in that case. The Minister appears to think that there will be on the Select Committee some Party division of opinion. I hope that does not happen, because the Select Committee is there primarily to draw evidence from people who come forward and from that evidence to make a recommendation.

The Hon. F. J. Potter: Back to the Council.

The Hon. R. C. DeGARIS: That is right.

The Hon. D. H. L. Banfield: You made the equality suggestion. What are you arguing about?

The Hon. C. M. Hill: We made it because you were grizzling.

The Hon D. H. L. Banfield: We accepted the challenge.

The Hon. R C. DeGARIS: If the Minister would like me to explain it again, I am quite willing to do so. There is no grizzling; I am stating facts. I made the suggestion that there be an equality of numbers, and there was no reply from the Government when I made it. Subsequently, the Minister approached me and asked that an equality of numbers should be agreed to. Then we found that there was a difficulty with Standing Orders and that we must try to overcome it. I cannot agree with the Minister's statement that the Chairman should have a deliberative and a casting vote because of the equality of numbers. Having got so far, we have reached agreement, and I do not believe we should anticipate a situation of the sort of division the Minister contemplates. The committee will be there to seek facts and make judgments. We should not anticipate that there will be a situation in which a committee seeking facts will have a division of opinion of three-all. I do not anticipate that happening, because I have confidence in honourable members that they will not take a purely Government or Opposition view, but will assess the facts as presented and make recommendations accordingly. If there is a group, whether of one or two, who do not agree with the recommendations, they can make a minority report What will come back to the Council is the committee's report, together with a series of recommendations, and the Council can then assess the evidence that has been presented to the committee If we are going to the Select Committee stage with the idea that there will be two separate forces involved in assessing the facts and making decisions, that will be the end of the line.

The Hon. A. J Shard: I don't think it's ever happened.

The Hon. R. C. DeGARIS: I do not think so, either.

The Hon. A. J. Shard: Not to my knowledge.

The Hon. R. C. DeGARIS: We have just passed a Bill on which there was a division on Party lines regarding a Select Committee.

The Hon. A. J. Shard: Not on the committee when it reached a decision, but on a division of honourable members who refused to be on the committee.

The Hon R. C. DeGARIS: Yes.

The Hon D. H. L. Banfield: It was the Opposition's committee.

The Hon. R. C. DeGARIS: No Select Committee ever set up could be said to have belonged to any one Party. The Minister of Health has not gripped the point He has been a member for a long time, but I have not yet been able

to train him There is no reason to suggest that a group of six people assessing evidence and facts could not agree to make a reasonably sound and sane report to the Council for its guidance. Regarding much of the legislation now being introduced, we could study it and make a conscientious attempt to bring forward legislation that Parliament would accept I suggest that there is a need to suspend Standing Orders to facilitate the committee's work. I suggest that honourable members support the idea that Standing Orders be so far suspended as to allow the Chairman of the committee to have a deliberative vote, instead of the casting vote he has.

The Hon. Sir ARTHUR RYMILL: This nuance in the debate has arisen because, I think, of the statement of the Minister of Agriculture this afternoon that the Opposition would have a majority on the Select Committee and, therefore, the Government would not have a say on it. Select Committees have not acted in this way in my experience Discussion has proceeded along the lines of, "Why can't we have an equality on the committee so that each side will have three members and there will be no casting vote?" The Minister has now suggested, in effect, that his Party have the majority on the committee because it is traditional to appoint the Minister as Chairman. If we give the Chairman a deliberative as well as a casting vote it will mean that the Government will have three votes, plus a casting vote, to three votes. The Minister's suggestion is not for an equality but to give his side a majority on the committee

The Hon. M. B. Cameron: He's getting anxious.

The Hon. D H. L Banfield: You've had Standing Orders like that up until now.

The Hon Sir ARTHUR RYMILL: I am willing, having been a member of the Council for 18 years and having acted under the old rules, as it were, to give the matter of having a Select Committee of this nature a try. It has worked well in having equal numbers for both Houses, and I do not see why it should not work well for this Council only. It would seem eminently fair to the Government, in view of the Minister's doubts, that there should be an equality on the committee. It may not work, but no-one could predict that I favour giving it a trial, but it would require a motion under Standing Order 377 that the committee comprise six members instead of five and a motion that Standing Order 389 be so far suspended so that the Council would have to resolve that the Chairman have a deliberative vote instead of a casting vote

The PRESIDENT: Is it correct that the motion before the Chair is that the committee be increased from five to six and to allow the Chairman to have a deliberative rather than a casting vote?

The Hon. T. M. Casey: Yes

The Hon. Sir ARTHUR RYMILL: That is not what I understood the Minister to say.

The PRESIDENT: I thought there was a misunderstanding.

The Hon. A F. Kneebone: Is it all right with you?

The Hon. R. C. DeGaris: Yes

The PRESIDENT: The question is "That the motion as amended be agreed to."

Motion as amended carried.

The Hon. Sir ARTHUR RYMILL: On a point of order, Sir, will we not have to suspend Standing Orders to enable the casting vote to be changed to a deliberative vote?

The PRESIDENT: Is it an order of the Council that the Chairman have a deliberative instead of a casting vote only? Does the honourable member want Standing Orders to be so far suspended to enable that to be done?

The Hon. Sir ARTHUR RYMILL: I thought that Standing Order 389 would have to be suspended to enable that to be done.

The PRESIDENT: To put the matter in order, I suggest that Standing Orders be so far suspended to enable that to be done. I will put that question.

Motion carried.

The PRESIDENT: One extra name is required.

The Hon. C. R STORY: On a point of order, Sir, I seek your ruling before proceeding with this matter. I have obtained a sixth name. Before the dinner adjournment I had moved that the committee comprise certain honourable members, but I had not concluded that part of the motion that the committee shall have power to send for persons, etc. Is it necessary that the motion I moved previously be rescinded so that I can then move to include six honourable members in a new motion?

The PRESIDENT. The honourable member's motion has not been dealt with. Only five names were moved.

The Hon. C R. STORY: The personnel will not be the same.

The PRESIDENT: The honourable member may withdraw his previous motion and move to insert six names.

The Hon. C R STORY: I seek leave to do so.

Leave granted; motion withdrawn.

The Hon. C. R. STORY moved:

That the Select Committee comprise the Hons. J. C. Burdett, T. M. Casey, Jessie Cooper, C. W. Creedon, A. J Shard, and C R Story; that the committee have power to send for persons, papers and records, to adjourn from place to place, and to sit during the recess; the committee to report on the first day of the next session.

Motion carried.

PSYCHOLOGICAL PRACTICES BILL

Adjourned debate on second reading.

(Continued from March 20 Page 2579)

The Hon. J. C. BURDETT (Southern): I support the Bill, but there is one small matter to which I want to refer; it concerns the practice of hypnotherapy, which is prevalent at present and which I have no doubt will become more prevalent in the future It is therefore important that it should be properly ordered. Clause 40 makes the practice of hypnotherapy illegal except by a psychologist registered under the Bill. It also provides that people who have been practising as hypnotherapists for two years may be registered and may be permitted to continue practising in the future.

Certainly in the past many people have practised hypnotherapy who would not qualify for registration as psychologists. I have made some inquiries about this matter and found that at least one association (there may be others) of hypnotherapists in South Australia has a high code of ethics, attempts to enforce it, and provides a training course which has some following and which is well reported on by psychologists and members of the medical profession. In fact, some members of the profession undertake the course themselves The inquiries I have made support the *bona fides* of this organization.

Another difficulty is that under the Bill any registered psychologist will be able to practise hypnotherapy whether he knows anything about it or not. I am informed that there are many dangers inherent in the practice of hypnotherapy if it is carried out by incompetent or inexperienced persons. It will be possible for registered psychologists to carry out the practice of hypnotherapy whether or not they have had any training in hypnotherapy. I foreshadow a simple amendment that I suggest should not

be contentious Clause 8 (1) (*d*) provides that those on the board shall include four persons nominated by the Minister being persons who, in the opinion of the Minister, have a knowledge of the practice of psychology. My amendment will provide that one of the four persons shall be a person who also has a knowledge of the practice of hypnotherapy. I contemplate that such person would be a psychologist capable of registration under the Act and also having a knowledge of hypnotherapy. I suggest this would be sufficient to ensure that there is someone on the board (a board which registers psychologists and also exercises disciplinary powers) who has some knowledge of hypnotherapy. I have taken the trouble to inquire whether there are people who would qualify for registration as psychologists and who also have a knowledge of the practice of hypnotherapy, and I have ascertained that there are such persons. Therefore, my amendment would be practicable.

It seems from my inquiries that this amendment would be opposed by no-one in the relevant professions, it simply provides a special expertise on the board from a person who is qualified to be registered as a psychologist anyway, and in regard to a matter which could be important, a practice which is quite common at present, which will increase in future, and which could be dangerous if exercised in unskilled hands I suggest this is a matter that will readily receive the agreement of the Committee. The general concept of the Bill in providing that people who exercise this function of practising psychology should be registered, subject to a code of ethics and subject to the discipline of a board, is commendable. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Definitions."

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

To strike out the definition of "hypnosis" and insert the following new definition:

"hypnosis" includes any activity or practice prescribed as being hypnosis for the purposes of this Act:

During the second reading debate I dealt with the definition of "hypnosis" and expressed my concern about it. The definition has application only to clause 40, where hypnosis is defined in Part IV. Hypnosis, if taken at its logical definition, includes a state of mind that is self-induced and I made the point that all states of hypnosis are self-induced. I think the existing definition is dangerous in relation to clause 40, and the new definition which I have moved to insert is a much more satisfactory way of defining the word "hypnosis" in the interpretation clause. If the Government is satisfied that the dictionary definition used in relation to Part IV does not cover what it wishes to cover, it could by regulation prescribe any activity or practice as being hypnosis for the purposes of this Act. It takes away a part of the Bill that concerns me and leaves the power completely in the hands of the Government to implement that definition by regulation if the necessity arises. Without any definition, clause 40 is still sufficiently wide to operate effectively; if it does not operate in the way the Government wishes, it can be done by prescription in the regulations.

The Hon. A. F KNEEBONE (Chief Secretary): The Leader's amendment and that foreshadowed by the Hon. Mr. Burdett have come to me only today and I have had no opportunity to discuss them with my colleague whose Bill this is. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. A. F. KNEEBONE: I accept the amendment moved by the Leader of the Opposition.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Composition of the board."

The Hon. J. C. BURDETT: There is an amendment standing in my name on file that I do not intend to move provided I get the assurance I understand I will get. The amendment was to add after "practice of psychology" the words "and of whom at least one shall be a person having, in the opinion of the Minister, a knowledge of the practice of hypnotherapy". I outlined my reason for foreshadowing this amendment in my second reading speech—the importance of having on the board someone who was skilled in not only psychology but also hypnotherapy I understand the difficulty is that, whilst it is acknowledged that what I said was correct—that there are at present some persons having skill in both psychology and hypnotherapy in the community—they are few; but this may not always be so. I understand the Chief Secretary's doubt is that it may happen in the future that there may be no-one who is both a psychologist and a hypnotherapist and is also of repute, and the Minister may be limited to having to nominate people who should not be appointed. While it is reasonably practical that, while such persons are available, one such person shall be appointed, if the Chief Secretary is prepared to give me that assurance, I see no point in moving this amendment. Will he give me that assurance?

The Hon. A. F. KNEEBONE: Yes; I am happy to do so. I appreciate the honourable member's concern that some member of the board have experience in hypnotherapy. The Attorney-General has authorized me to state that it is his intention to appoint to the board a psychologist with these qualifications, if such a psychologist is available.

Clause passed.

Clauses 9 to 31 passed.

Clause 32—"Prescribed psychological practices."

The Hon. R C. DeGARIS: I move:

After "32" to insert "(1)", and to insert the following new subclause:

(2) On or after the expiration of the third month next following the commencement of this Act, a person other than a registered psychologist shall not, without the consent in writing of the Minister (proof of which consent shall lie upon that person), use or have in his possession any prescribed instrument or prescribed device.

Penalty: Five hundred dollars.

I dealt with this matter in the second reading debate, when I said that instruments or devices could be used in pseudo-psychological practice that could have harmful effects on the community This amendment would allow the Government to prescribe by regulation those instruments or devices that cannot be used other than by a registered psychologist. Consent in writing can be got from the Minister at any time for the use of these devices. I believe this amendment would enable the Government to control the use of these devices. It is one of the failings of the Bill that there is no power, either by regulation or in the Bill itself, to control these devices.

As I said in my second reading speech, we have heard much recently about these things. The Premier, only yesterday, reported the idea of a Bill for privacy. I said in my second reading speech and I say again that the use of some of these devices to which I have referred constitutes the gravest invasion of privacy I know of. Whilst the Premier talks about his privacy Bill, he strongly opposed the restrictions placed on the use of these instruments in a

previous Bill. The use of these instruments in connection with certain practices introduces a grave invasion of privacy. The Government should therefore have power to lay down that certain instruments and devices are to be used only by psychologists, except with the Minister's permission I have received the following letter from the Citizens Commission on Human Rights—Psychiatric Violations, of 28 Restormal Avenue, Fullarton (also the address of the Church of Scientology):

Members of the commission have noted with interest that you propose to insert a clause within the framework of the Psychological Practices Bill which will enable the Government to restrict in the future any type of instrument used in conjunction with psychological practice causing harm to the general public.

We wish you to know that we value and appreciate your proposal to insert this amendment. The commission has had a number of complaints concerning the deleterious use of psychiatric instruments, such as those used in conjunction with E.C.T. and brain surgery. Your amendment will permit the commission to act upon these complaints.

I entirely agree with part of the last paragraph, but I believe there should be some Government control over certain instruments.

The Hon. A. F. KNEEBONE: The Attorney-General agrees to the amendment.

Amendment carried; clause as amended passed.

Clause 33—"Holding out as a psychologist."

The Hon. A. F. KNEEBONE: The Attorney-General has drawn my attention to the fact that clause 33 is almost duplicated by clause 38. He therefore believes that clause 33 should be opposed.

Clause negatived.

Clauses 34 to 37 passed.

Clause 38—"Restriction on the use of certain titles by an unregistered person."

The Hon. A. F. KNEEBONE moved:

To strike out "A person" and insert "On or after the third month next following the commencement of this Act, a person".

Amendment carried; clause as amended passed.

Remaining clauses (39 to 42) and title passed.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2, 4 and 5 and had agreed to amendment No. 3 as amended.

Schedule of the amendment made by the House of Assembly to amendment No. 3 of the Legislative Council

Legislative Council's amendment:

No. 3. Page 2 (clause 4)—Before line 10 insert new definition as follows:

"'public transport' includes railway transport but does not include any other transport primarily or predominantly encompassing the carriage of freight or stock."

House of Assembly's amendment thereto:

Strike out the words "railway transport" and insert in lieu thereof the words "transport or other activity under the control of The South Australian Railways Commissioner".

Consideration in Committee.

Amendment No. 3:

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 3 be agreed to.

The effect of this amendment is to make quite clear that any transport or other activity under the control of the South Australian Commissioner will be regarded as public transport for the purpose of this Act.

The Hon. C. M. HILL: I support the motion. The House of Assembly has simply clarified the situation in which rail transport was to be deemed public transport, but now the Government prefers to say that all transport and activity under the control of the South Australian Railways Commissioner shall be deemed to be public transport. The important point of the amendment which went from this Committee to the other place was that the private road haulier who carried freight or stock was to be specifically excluded from public transport. By such exclusion the Bill did not tamper in any way with the existing open road system applying in South Australia. Therefore, the House of Assembly's amendment to the amendment does not interfere with the situation, and I support it.

Motion carried.

INDUSTRIES DEVELOPMENT 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.

The shortness of this Bill, which amends the principal Act, the Industries Development Act, 1941, somewhat belies its significance in relation to the industrial scene in this State. The measure is intended to confer on the Industries Assistance Corporation, established under section 16a of the principal Act, a power to give assistance in relation to "overseas industry" as defined. In determining whether or not to give assistance the corporation will be subject to the same need to make reference to the Parliamentary Industries Development Committee as it is in relation to giving assistance to (geographically) local industry.

Clauses 1 and 2 are formal. Clause 3 amends section 2 of the principal Act by inserting two definitions, that of "overseas industry" and "proclaimed country". These two definitions when read together give a fair indication of the purpose of the measure. To be considered for assistance an industry must be carried on wholly or mainly in a proclaimed country and must, in the opinion of the corporation, be of substantial benefit to a local industry. Clause 4 merely provides the mechanics of declaring a country to be a proclaimed country.

Clause 5, in effect, enlarges the membership of the corporation by one, since it is felt that the addition of a person having some knowledge of and skills in dealing with matters relating to overseas industry will assist the corporation in carrying out its extended functions. Clause 6 extends the general provision of section 16g of the principal Act (which specifies the kind of assistance that may be provided) to cover overseas industry, as defined, and in addition, by paragraph (c) of this amendment, the constraint imposed on the corporation, in that in granting assistance under this Act it must, as it were, be a "lender of last resort" is removed only in so far as it relates to assistance in relation to an overseas industry. It is considered that, in the light of the present proposals, this restriction should not be applied to assistance for overseas industry. Clauses 7 and 8 are formal drafting amendments.

[Sitting suspended from 5.54 to 7.45 p.m.]

The Hon. R. A. GEDDES (Northern): I rise reluctantly to support this Bill. The concept in a way has the appearance of Marshall aid, as we knew it after the Second World War.

The Hon. R. C. DeGaris: The Marshall plan, wasn't it?

The Hon. R. A. GEDDES: It was called "Marshall aid". The concept of the Marshall plan was to give assistance from the United States Government to those countries which needed rehabilitation as a result of war damage or which had suffered because of the war. That concept is in this Bill, which gives the Industries Assistance Corporation the right to lend money to industries in oversea countries, to complete factories so that they can produce goods that can be sold in South Australia—as the second reading explanation states, "to be of substantial benefit to a local industry".

This is an interesting exercise in this modern age, with the Commonwealth Government saying that the introduction of foreign capital into Australia must be curbed or controlled. When the Commonwealth Government is considering the immigration of Asians for the motor car industry or selected industries in this country it is interesting that at the same time we should be seeking to use the labour content of another country to produce goods for sale in this State. Some industries have difficulties, especially because of high costs, strikes and the labour discontent that is occurring nowadays. So, in my opinion, we have this complete anomaly that the principal Act, as the second reading explanation says, is amended:

by inserting two definitions, that of "overseas industry" and that of "proclaimed country". These two definitions when read together give a fair indication of the purpose of the measure. To be considered for assistance an industry must be carried on wholly or mainly in a proclaimed country and must, in the opinion of the corporation, be of substantial benefit to a local industry.

The board of management of the corporation has comprised four members for some time. Of the four members, one must be a person with extensive knowledge of, and experience in, financial matters, one must be a person with extensive knowledge of, and experience in, engineering or industrial science and be nominated by the Minister of Development; and one must be an officer of the Public Service engaged in the department of Government relating to industrial development. The second reading explanation suggests that the board be enlarged by one member "since it is considered that the addition of a person having some knowledge of and skills in dealing with matters relating to oversea industry will assist the corporation in carrying out its extended functions". Regrettably, although the second reading explanation says what sort of skills this person should have, there is no reference to that in the Bill. It merely states "Delete 'four' and insert in lieu thereof 'five'". So, the Bill does not go quite far enough in selecting or suggesting what type of qualification the person who should be the new representative should have.

One interesting point about the Industries Assistance Corporation is that it is limited to lending no more than $3 000 000; that is prescribed in the Act So one could imagine that the finance lent to proclaimed countries overseas (one would guess in Asia) would be limited and that the problem of what restrictions the oversea country would place on foreign capital was yet to be determined. Another problem, as I see it, is what will happen to an industry started by the State in a proclaimed country if it should fail What action does the State take to be recompensed for the money it would lose? The Industries Assistance Corporation will have a great need to exercise much skill and care before lending any money to an industry in a foreign country, to make sure that its loss is not too great. The method by which the corporation has had to act in the past and will have to act in the future is that, in determining whether or not to give assistance, the corporation will be subject to the same need to refer matters to the Parliamentary Industries Development Committee as it is in relation to giving assistance to "geographically" local industry As a member of the Industries Development Committee, I have been much impressed with the type of research that members of the Industries Assistance Corporation have put into any projects the corporation has been asked to look into, to get approval from the Industries Development Committee. They have not shirked their responsibilities. They have engaged first-class officers to get all the facts, and up to the present there has not been one rejection, because of the excellence of the homework that has been done. Here again, there could be complications once an oversea industry is considered; the complications could relate to ensuring that State funds were not frittered away by an unscrupulous Asian merchant. I support the second reading.

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

BEVERAGE CONTAINER BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2648.)

The Hon. JESSIE COOPER (Central No. 2): Together with other members of the Liberal and Country Party I am concerned about the matter of many people's attitude to rubbish, litter, waste, excess packaging, untidiness and filthiness in public places. The former L.C.P. Government established a committee to examine some of these matters and to report back to the Government. We all know that committee as the Jordan committee. That committee was set up in the hope that a plan of education and control could be established Apparently this work has now all gone for nothing, because the Bill that has come before this Chamber now traces out, in a very shadowy way, one of the most inept and inappropriate schemes that has ever come before us. The necessity for education and disciplinary penalties must be evident to each honourable member who has moved among the discarded rubbish around this building in the past six months.

We might be pardoned for thinking that Adelaide people were the dirtiest people in Australia by taking a stroll from Parliament House to the city bridge. I find it extremely difficult to understand the Government's desire to pass this legislation without further expert analyses and without waiting for the report on the thorough investigation being made by the Commonwealth Standing Committee on Environment and Conservation. The Chairman of that committee has indicated that his committee has almost finished calling evidence and will now be occupied in assessing the information received. That suggests that its report to the Commonwealth Government may not be too long delayed.

The Minister has said that the type of law envisaged has been successful in Oregon, Alberta, Saskatchewan, and Vermont Let us dispose of Alberta and Oregon immediately. First, there are reports from very reputable people that this legislation in those States has been disastrous, so we must take all stories of the glories to come with a grain of salt. Secondly, what honourable members have not been told is that the State of Oregon (in the North-West of the United States) and Alberta and Saskatchewan (in the Western Canadian region) are specialist areas that have some things in common: they are all mountainous States which are covered with snow in the winter and swamped by American tourists in summer. Those States depend on primary industry and tourism, and have practically no secondary manufacturing industries. Those States introduced rather harsh laws on beverage

containers because they hated the tourists' littering their vast national park and forest playground areas. The damage resulting from those laws was done to their neighbouring manufacturing States. In the case of Oregon, the import of canned beverages from adjacent manufacturing towns virtually ceased.

The point will not be lost on honourable members that, if this Bill is accepted, it will be our factories and our own South Australian workmen who will suffer and not those of the other States of Australia. Let us not overlook that of the United States of America's State Legislatures, which are much closer to and more intimately observant of Oregon and Vermont than we are, over 90 per cent of those States have refrained from copying Oregon's mistakes.

The Jordan committee's recommendations for the reduction of litter and rubbish (which have been quoted elsewhere) are briefly, and in order of preference, (1) the education of the public, (2) fines and penalties for discarding rubbish in public places, and (3) deposit arrangements on containers. Why is this Government going out of its way to reverse the preference of the committee's recommendations. The Labor Party's antipathy to industry is possibly the reason for this backward thinking. The Government consistently refuses to introduce effective penalties for litter, and neither the Government nor the Education Department appears to have mounted any worthwhile campaign of education.

Some shoddy thinking has been done about the responsibility for litter, and some fallacious conclusions have been drawn, and heavily promoted. For instance, the Minister (Mr. Broomhill) is reported as having said, "Packagers, who have themselves created the problem, are endeavouring to shift the responsibility for disposal of their products on to either local government or the consumer". That is, of course, incorrect in two or three different ways. The problem is litter, and it is created by untidy users and not by factories and workmen, who are producing goods and packages that have been found useful, convenient and desirable on world-wide markets.

Anyone who has driven along Main North Road or along Princes Highway behind a series of trucks and semi-trailers will have seen on many occasions lunch wraps, drink cans and cigarette packets flying out on to the road. No person who has used our highways, beaches or football grounds has any illusion about who is responsible for the rubbish: it is not the factories in Adelaide, it is untidy people It must be emphasized that cans and items of rubbish are thrown down in public places by slovenly people because, for all practical purposes, it is not illegal to be careless in that way. That is the point that was underlined by the Jordan report in its recommendations.

The Keep South Australia Beautiful Organization has made the following declaration: greater responsibility must me assumed by the individual to dispose sensibly of unwanted material. The Government's first responsibility in this matter should be to make it effectively illegal to drop rubbish in public places This would reach the heart of the problem and also be a wonderful assistance to local government corporations and district councils. Regarding public thinking in this matter of penalties, it may be of interest to quote the result of a limited public opinion poll carried out by "Interprobe" among women customers in Sydney's supermarkets recently, when they were asked for suggestions for cutting down on litter, etc. The majority voted for heavier penalties and more effective enforcement. Over 36 per cent said the only way would be to raise substantially the fines for littering; 16 per cent said more officers should be appointed to enforce anti-litter regulations, whilst some 2 per cent said that litterbugs should be not only fined but made to clear up the mess at the weekends.

I now wish to refer to some specific aspects of the Bill, the things it says and the things it neglects to provide for or arrange. My first and abiding impression is that Parliament is being misled, perhaps fooled, by this Bill. I say that for two reasons: first, although the Minister has said that the aim of the Bill is not to wipe out the use of non-returnable containers for beverages, I believe that, when honourable members examine the importance of some of the provisions of the Bill, they will discover that either by design or because of lack of trading experience someone has produced an alleged system that is quite unworkable by conventional methods. Secondly, I believe the Bill is so incomplete in respect of its provisions that it cannot be expected to work but only to meet someone's deadline for apparent action to satisfy some outside power group.

I will not weary honourable members with an extensive analysis of the details of the Bill; I will just limit myself to two spheres. In the first place, we are being asked to believe that it is possible to establish depots, perhaps 20 in the metropolitan area, without any financial provision for their cost, and that will be high. Remember what they have to do: they have to receive, count, sort and take the cash for large consignments of mixed containers, pack the containers for dispatch, for recycling or destruction, and presumably pay a transport system to remove all the rubbish. If the depots are not to handle mixed lines, the number of depots must be multiplied by any number one can think of and then doubled The cost of this operation would in any case eventually be added to the price of the goods, assuming any viable system could be worked out, which I doubt.

The second point which makes the Bill unworkable also makes me think that the Bill is a joke or a spoof: there is no provision in the Bill for the control of the deposit moneys involved, and no provision possible under the powers of regulation providing for any powers of compulsion. Let us look at some practical aspects as defined in the Bill. First, the retailer is forced by law to collect the deposit amount, but there is no further reference to what he will do with it and no power of compulsion available under the measure. Secondly, another retailer is forced to pay out 5c, which he has not received for goods which he did not sell, on the used container. Thirdly, the depot controller is similarly by law forced to buy rubbish and handle its disposal, perhaps in tonne lots or more, and he has not received any money from anyone—certainly not from the retailer who has collected all the deposits. So, it is a sort of mad dance, of deposits here and deposits there, and heaven knows where they come from or go As far as I can see, it is not possible under this Bill to provide for any of these matters.

Let me, for two minutes, pose the financial problem involved if legislation were introduced by amendment or otherwise to design a refund for waste system. The retailer who collected deposits, if it were a legal responsibility, would need to count and stock-check each type of returned container, as would the depot keeper. The cash taken as deposits would have to be, under Government supervision and audit, transferred ultimately to the person collecting the rubbish so that he could pay out to the erstwhile customer. The recipient of the rubbish would then have to check it and record it so that he could justify

to the Government inspector his use of the deposit funds transferred to him—all for the purpose of sending a lot of junk to the proper rubbish heap

I will not insult honourable members' intelligence with a further recital of the peculiarities of this Bill. Whilst I believe that this State greatly needs laws which will penalize those people who spoil our countryside, and laws which will enable local government organizations to do their job of providing a good environment, I am not prepared to support this ill-planned Bill, which is merely designed to wipe out completely the metal container in this State and to put South Australian traders and primary producers at a disadvantage in selling their goods against manufacturers from the other States.

The Hon. B. A. CHATTERTON (Midland): I support the Bill. Let me say how disappointed I am by the opposition to this Bill by members of the Liberal and Country League, both here and in another place. We have come to expect arguments from the L.C.L. that closely follow those of some financial pressure group. Certainly, this was the case with the two urban land Bills, where the profits of land speculators were threatened. More recently, life insurance companies were worried about competition from the State Government Insurance Commission.

In this case, we have a small group of people with interests in drink can manufacture putting forward a shameful campaign of misrepresentation. These people have spent a large sum of money on press advertising These advertisements have been in some cases half-truths, but more often disgraceful distortions of the facts. To quote a case of a half-truth, one advertisement has claimed that litter can be controlled by education, litter bins ,and litter bags in cars, followed by the punch line "at no cost or inconvenience to you", yet someone has to pay for the litter bins and litter bags and the education campaign, and obviously it will be made through local government rates and other Government imposts. An example of distorted facts and figures is the much quoted statement that cans constitute only 10 per cent of roadside litter. The method used to produce this very convenient figure was obviously designed to mislead. Litter was counted so that a matchstick and a drink can or bottle rated equally as one piece of litter. In the United States there is an organization similar to KESAB which is called Keep America Beautiful. This organization did a similar type of survey of litter, using the same "head count method", and produced a figure of 22 per cent for cans and bottles. What is interesting is that these figures were disputed, and another group surveyed basically the same roadside litter, only this time by volume. There is an astonishing difference between the two figures By volume, cans in America make up 54 per cent of litter and glass bottles 17 per cent, a total of 71 per cent. I am sure that a comparable situation applies here, and advertisements claiming that deposits will solve only 10 per cent of the litter problem grossly underestimate the true situation.

Another argument, equally misleading, used in this expensive advertising campaign to protect the narrow interests of a few can manufacturers is the imputed cost of $3 240 000 for the deposit system. No-one has explained how this sum was arrived at Is this the cost that will be borne by the drink manufacturers that would otherwise be borne by various public authorities? If it is, it is not a new cost but merely a transfer from public authorities to the people responsible for causing the problem. I wonder whether this hypothetical figure of $3 240 000 includes the vast saving to the buying public if they switched from cans to returnable bottles A can of soft drink costs 22c, and the same 13oz. in a returnable bottle costs only 14c.

Whatever the argument on the present situation, the future is much more frightening. Cans and bottles are not only the most durable part of roadside litter but also the fastest growing. Let me quote some projections of the United States Department of Health, Education and Welfare. That department's report on solid waste includes the following: non-returnable soft drink bottles, projected increase from 1966 to 1976, 583 per cent; non-returnable cans, an increase of 203 per cent for the same period; returnable bottles, a projected decline of 38 per cent. For beer, the figures showed an increase of 71 per cent and 47 per cent respectively for non-returnable bottles and cans, while returnable bottles were expected to decline by 25 per cent. Not only is the convenience container available but also it is obviously to be forced upon us William Rodgers, who wrote a book on this matter, says:

> There is no escape from convenience, whether it is desired or not, for the very forces which produce and promote the products and gadgets of convenience mandate the withdrawal of alternatives, enforcing changes in a way of life whether or not those whose lives are changed welcome, ignore or fight it.

The Hon M B CAMERON (Southern): I support the legislation in principle; I use the words "in principle" because I have some doubts about the Bill. There is no doubt that the quickest way to get responsibility in a human being is through his pocket. Further, there is no doubt that, if an amount of money is to be returned on an object, someone somewhere, whether the original purchaser or not, will in most cases return that object. I have some nagging doubts about the Government's desire in relation to cans I am not sure whether the Government is trying to clean them up or eliminate them; that is the reason for my doubt.

The Hon. C. R. Story: "Ban the can"?

The Hon. M. B. CAMERON: Yes. If the Government desires to eliminate cans, I would have some doubts about the Bill. One of the main problems is that of containers that are thrown out of cars. I would rather pick up a can that had been thrown out of a car than pick up a bottle that had been thrown out of a car, because the bottle would be smashed Therefore, bottles create greater hazards than do cans.

The Hon. R. C. DeGaris: Are you suggesting that, if the Government wants to ban cans, a simpler Bill would do it?

The Hon. M. B CAMERON: If that is the intention behind the Bill, it would be far more honest for the Government to say plainly that it wants to ban cans. I do not want to see that happen, because there would be a colossal increase in the amount of glass on beaches, at picnic spots, etc., if the Government banned cans altogether We can see what has happened in the case of beer bottles, a tremendous number of which are smashed at beaches and picnic spots. The reason is that beer bottles have a low deposit and therefore have negligible value. As a result, many beer bottles are not returned. Therefore, I do not support the legislation wholeheartedly, because of my nagging doubt.

I have heard rumours that the Government desires to ban cans. People who throw cans from cars will also throw bottles from cars: irresponsible people will be irresponsible whether the object in their hand is a piece of tin or a piece of glass. So, the problem will be even

greater if that is the end result of the legislation. The greatest single factor about which I have doubts is the question of outlets for returnable containers. At present, if a person buys a bottle of drink, he has hundreds of outlets where the deposit can be refunded. However, there will be fewer outlets for cans. It has been said that the Government does not intend to restrict the number of outlets to 20, but that will be the result in the short term, and I am not too sure that it will not be the result in the long term. How can we get more outlets for the return of the containers? That will be one of the key factors in the success or otherwise in this Bill.

The Hon. R. A. Geddes: These outlets will have to be economic if they are to work.

The Hon. M. B. CAMERON: Perhaps. However, perhaps a percentage of the deposit can be retained by the shopkeeper who accepts the empty container. Economics may enter into it to some extent, but economics can always be overcome. At present, shopkeepers accept returnable containers without any financial reward to them whatever. If there are to be only 20 outlets and if they have to be funded by industry, economics will come into it to a large extent. I can understand industry's being concerned about this problem. I have heard many claims that industry has approached political Parties. There have even been claims that industry has funded political Parties with the aim of influencing them on this Bill I must state my side of this. The industries involved approached me today for the first time.

The Hon. D. H. L. Banfield: Evidently the numbers are close.

The Hon. M. B. CAMERON: They will be closer in 1976, as the Minister and others know. One of the strong claims made was that the Government had left the industry in no doubt that it was setting out to eliminate cans entirely. This factor has had a considerable influence on my thinking about the legislation. I would not like to be seen to be supporting legislation that will increase the problem of broken glass being left scattered around the countryside, so I have looked at the legislation more closely. My desire is to see the cans off the roads, the beaches, and the picnic spots. There is no doubt that we cannot continue to have the sort of litter problem created by these objects in the open spots and the places in this State in which the community enjoys itself

I think that is the basic desire of the Government, and certainly it is of the Opposition, and also, I would hope, the minority Party, the Liberal and Country League. I do not believe the elimination of the can would achieve anything except a dramatic increase in the amount of broken glass lying around. Industry representatives told me that they were willing to select two council areas and finance a programme of public education for a limited period. This offer deserves some consideration and the people concerned, the industry, should be given one last chance. I should like to see a strict time limit on any such experiment. If this does not work, obviously the deposit system will be the only answer.

Unless the public can be educated, there is no doubt that, in order to control this problem, in order to get the 95 000 000 cans each year off the roads (or the number left after the rubbish bins have finished), we must have some sort of system of financial reward. That is the only way to increase the number of people interested in cleaning up this problem. The system of people going and picking up litter on a voluntary basis will work to some extent but not, in my opinion, in the final analysis. I am willing to give one last chance to the industries concerned to prove their point. Their representatives claim it will work, and perhaps that is so. I am doubtful because I do not believe human nature is built that way, and certainly not in Australia. However, it seems to be worth a try

If it passes this legislation without a closer look, the Parliament could be seen to be discriminating against cans alone. While I am doubtful about some of the figures relating to the percentage of litter that cans form, I realize there are other forms of litter, too. I can think of a number of articles that certainly are not biodegradable, and I am thinking particularly of take-away food outlets. There is no doubt that many forms of food packaging are used in which the final litter is not biodegradable. Along with this legislation it is essential, if we are not to be seen to be discriminating, that we also bring in a system of taking action against people who litter the community. With this legislation we should introduce a method of acting against people who cast aside their litter without thought for the rest of the community.

My present thinking is that I will support the motion to appoint a Select Committee, not because I have any doubts about the legislation in the final analysis (undoubtedly it would work), but because I believe it could even work too well and we might end with a greater and worse litter problem At the moment, I would support the appointment of a Select Committee, but I would expect that such a Select Committee would be appointed for only a limited period and if, at the expiration of that time, there is no recommendation from the Select Committee, or if it recommends that the legislation must proceed, I shall have no hesitation whatever in supporting it Those were my feelings at the beginning. My doubts have arisen because of my uncertainty about the final result of the legislation on the industry and because I believe we may be creating a greater litter problem.

The Hon. Sir ARTHUR RYMILL (Central No. 2): It would be ridiculous for anyone to think that any member of this Chamber or the other place, or perhaps anyone at all in this State, would not favour any reasonable step to try to solve our pollution problems. That is something that affects everyone, and each of us is and must be interested in it; I am one of those people. The first thing that worries me about the Bill is why the Government is in such a hurry to bring the legislation in. Why is it not willing to wait for the result of this intensive investigation by the Commonwealth committee? I have tried to answer these questions, but all I can come up with is this: is it because the Government is posing as a progressive Government and running out of ideas? That is what it has been posing as: a progressive Government Is it bringing in this Bill before the Commonwealth investigation is completed so that it can get in first and say it is the greatest, or is it to cover up its total failure to deal with our main pollution problem, the shocking smog over the Adelaide Plains? I am not suggesting that the smog is caused by any action of the Labor Party; it is not. It has been building up for years, starting about 10 years ago. I come over the Hills on most mornings and I see it increasingly building up. There has been a failure by successive Governments to deal with this, but the longer it goes on the worse it is getting and, in my opinion, it is a far greater problem than are cans and bottles, so the Bill is really only nibbling at the fringes of the total problem.

It is my belief that this Bill would certainly eliminate most of our can litter, by eliminating cans altogether. There does not seem to be much doubt in the minds of honourable members that that will be the effect of this Bill if it is passed in its present form: cans will be eliminated altogether. Does the public want canned drinks (canned beer, canned soft drinks and other liquids) or does it not? Would the public prefer to be without canned drinks for the purpose of tackling the fringes of this pollution problem, or would it prefer to have cans and try to deal with the problem in some other way? In my opinion, that is the effect of this measure. There are many implications in the Bill that certainly have not been completely covered by the second reading explanation, which I thought was most disappointing. The explanation was simple and short, and it did not really get to the nub of the problem at all. It merely tells us what has been done in other parts of the world and points out some of the things happening here, and that is it To me, there are many more implications than that in the Bill.

For instance, what about the competition from other States with our South Australian industries? The second reading explanation is totally silent on that. What will happen about cans coming over the border and competing with our local breweries, soft drink manufacturers, fruit drink manufacturers, and so on? The Government is totally silent on this matter. It is also silent about what happens to the South Australian export trade in these articles. I have tried to examine the Bill in this regard (a terribly complicated constitutional matter) and it does not deal specifically with these problems; however, on the face of it, if South Australian bottles or cans were sold, for instance, in the Northern Territory (and they are sold extensively there) it would appear that the deposits foreshadowed in the Bill will have to be charged on cans and containers sold there, too.

I am completely in the dark as to the effect of all this. I should imagine also that the Minister in charge of this Bill is unable to answer my questions on the matter either. The Hon. Mr. Chatterton seems to be very enthusiastic about this Bill, but I wonder whether, in view of his enthusiasm, he would seek to remove the exemption on wine and spirituous liquor bottles.

The Hon. M. B. Cameron: Are you going to move an amendment?

The Hon. R. C. DeGaris: You would think the Hon. Mr. Chatterton had a vested interest.

The Hon. Sir ARTHUR RYMILL: I would not suggest that.

The Hon. D. H. L. Banfield: One always wonders where the vested interest lies with some of the members on the Opposition side.

The Hon M. B. Cameron: Why are deposits on beer bottles 1c?

The Hon. Sir ARTHUR RYMILL: Wine bottles are exempt under the definition of "container" in clause 4 so, too, are spirituous liquor bottles whether or not at the material time that container is an empty container. Of course, if all cans were emptied of their beverage they would not hurt the Prime Minister when thrown at him. The question of interstate trade is something that must definitely be cleared up before I can support the Bill. An article in the *News* of March 18 stated:

More than 3 tons of rubbish dumped by foothills dwellers was picked up by scouts and cubs who took part in the litterthon at the weekend. Sixty scouts, directed by Mr. Allen Kannel of Banksia Park, collected the rubbish in the Tea Tree Gully-Banksia Park-Fairview Park area. Between 10 and 15 per cent of it was bottles and cans, Mr. Kannel said. The rest was paper, cardboard, tyres and old tin.

By what method he adjudged the percentages, I do not know. Maybe it was by weight or by volume. Of course, a crushed can is not nearly as big by volume as a can that is intact.

As far as interstate trade is concerned, only a total Commonwealth-wide decision could really cope with that problem. It could well be that floods of cans could come in from across the border from, say, Victoria, and neutralize this legislation. I do not know the position as it is a complicated constitutional question; however, it is a question that should be investigated by the Government. I imagine the Government has not considered the matter or else it would have told us because of its tremendous implications.

The Hon. M. B. Cameron: Mr. Whitlam will hold a referendum on it if you wish!

The Hon. Sir ARTHUR RYMILL: One could say much about this Bill. But I definitely consider that something has to be done about this question. Like the Hon. Mr. Cameron I, too, am not sure at the moment and would welcome a Select Committee to investigate the matter and allow people who have criticized it and who have a vested interest to try to protect their interests, their shareholders, their customers, and their workers. I should like to see a Select Committee appointed—

The Hon. M. B. Cameron: Of equal numbers?

The Hon. Sir ARTHUR RYMILL. —to investigate the totality of this problem so we can see where we are going. At present I find myself very much in the dark as to what is likely to happen. What will happen if we pass this legislation in its present form? It could kill the can to a more or less irrecoverable extent by the expensive process of substituting returnable bottles whereby it would become uneconomic to reintroduce the can. All these questions must be answered. I will certainly support setting up a Select Committee to look into the questions I have raised and also to look into the many other matters that have been raised in regard to this Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): Honourable members have given most of the facts during this debate on the second reading stage of this Bill. I agree that every effort should be made by this Parliament through legislation and other means to reduce the quantity of litter that is lying around on our roads and our streets. If I thought for one moment that this Bill would achieve this purpose it would have my wholehearted support; however, I do not believe we have enough information before us to make that decision. Indeed, if one looks at this question around the world one will find that very few countries have adopted the deposit method to overcome the litter problem. Only one State in America, Oregon, relies totally on a deposit scheme to handle its litter problem. All the other States of America have adopted a different approach and have been just as successful as, if not more successful than, Oregon in handling this problem.

It is reasonable to assume, I suppose, that to some people every manufacturer should be responsible for the article he manufactures when it comes to its disposal. That has been an argument that has been put to me by people who support this legislation. I suppose there is some sort of argument that can be taken along this line, but I would ask honourable members to take this line of thinking still further and consider all consumer durable goods that are purchased by the community.

Is it a realistic approach to look only at the manufacturers' responsibility in relation to food and drink containers? I agree with what has been said that this legislation is really a "ban the can" type of legislation. It would have been much simpler if that were the case and to just ban the can instead of drafting this legislation in the manner in which it has been drafted.

I agree with many of the contentions made by the Hon. Sir Arthur Rymill when he said that he was unsure of the constitutional position under the Commonwealth Constitution in relation to section 92 (interstate trade). We must be very careful that we do not produce a situation where South Australian manufacturers are disadvantaged when compared to manufacturers in the Eastern States. We also have the problem in reverse, and that is in relation to our interstate trade with Victoria, New South Wales, and the Northern Territory, because we do a big trade with the Broken Hill and Darling River areas and also with the Horsham area. Also, we have a big trade in the Northern Territory. Once again, we could produce a situation under the Commonwealth Constitution in which this State's industries were being placed at a serious disadvantage.

I do not intend to speak at length but I will now briefly touch on a little of the history of this legislation. On June 9, 1973, which is only about nine months ago, the State Australian Labor Party conference resolved.

The conference calls on the Parliamentary Labor Party to introduce legislation to ban the use of non-returnable drink containers.

It may be a coincidence but at the same conference the Minister of Environment and Conservation (Mr Broomhill) announced that the Government would bring in deposits on drink containers. Later, in the *Canberra Times* of February 18, 1974, he admitted that there had been no research or investigation of the problems involved. That is a rather startling admission from the Minister—that there had been no research or investigation of the problems involved.

My second point on the history of this legislation is that the Government has completely ignored the order of priority of the Jordan committee, which was charged with the responsibility of making recommendations on the preservation of our environment. On litter, the recommendation reads in the following order of priorities: first, an education campaign on litter and the need to recycle; secondly, penalties for those people found discarding bottles and cans; and, thirdly, making all containers returnable with a deposit. The committee went on to say:

It is considered that these solutions should be introduced in the order given.

The priorities given by the Jordan committee are somewhat different, so I doubt whether sufficient research has been done on the whole matter. If I was satisfied that this legislation would make any significant contribution to the litter problem, I would be all in favour of it. I agree entirely with the viewpoint put forward by, I think, the Hon. Mr. Cameron that, if the legislation is successful in banning the can, it will increase the use of other types of container, such as the bottle, which equally will be discarded on the roads, creating a greater hazard than the can does. Of course, I am not for one moment supporting people throwing cans on to the roads.

Last Sunday night, four people belonging to the Nature Conservation Society, which very strongly supports this legislation, came to see me and for three hours we discussed this legislation. It is fair to say that in our discussions we came to a general conclusion that, while this legislation may play some part in reducing the litter stream in respect of cans and non-returnable bottles, certain matters should be considered by this Parliament. I am dealing here with people who are at the top—the President and other members of the Nature Conservation Society. I should like to read the general agreement we reached in discussing this legislation, because I have received many letters from people throughout South Australia belonging to that society who do a wonderful job, begging and imploring that this legislation pass as it is. I am afraid I do not agree with the Bill so far in its present form but, in discussing it with the four top people of the Nature Conservation Society, we reached the following agreement:

General agreement that the Bill should be referred to a Select Committee for thorough examination and that the Bill should be held pending the result of the full-scale Commonwealth investigation into the litter problem through an established environment committee, which is sitting at the present time but has not as yet reported.

I think that is a wise suggestion. We went on to discuss the whole matter of deposit legislation and there was, I think, not necessarily agreement but at least a feeling in the group that it was probable that a more effective method of controlling the total litter problem would be to use the sales tax legislation on all containers. When I say "all containers", I mean everything from a Kellogg's cornflakes box to a steel can.

As I say, a more effective method of controlling the total litter problem would be to use the sales tax legislation on all containers with greater financial assistance going to those authorities whose job it is to handle this litter stream. This approach cannot be implemented at the moment, because there is no power in the State to impose a sales tax or an excise on such things, but it is fair to report (some publicity has already been given to this; the matter has been discussed by the Constitution Convention, and there has been a report, although I should not say anything about that) that one of the difficulties of State-Commonwealth relationships is the inability of the Commonwealth Government, under the Constitution, to refer any powers to the State. Powers run in a one-way valve, to Canberra: a State can refer matters to Canberra but Canberra cannot refer matters to a State. It would help to solve many problems if the Commonwealth Parliament had the power, under the Constitution, to refer powers to South Australia, or to any other State.

If each State was able to impose a small sales or excise tax on all containers that contribute to the general litter stream, we would then have revenue to provide a tremendous service throughout the whole of South Australia with a minimal tax on all containers, whether cigarette packets or Kellogg's cornflakes packets. There would be the finance available to handle the total litter stream. There was a feeling in the group I have already referred to that this would be a far more effective way of tackling the litter problem than merely choosing the steel can or the non-returnable bottle for a deposit, which is of doubtful efficiency in the control of the whole litter stream.

Most of the other matters have been touched on by previous speakers but perhaps I should say I am pleased the Government has seen fit to introduce some legislation to deal with litter. However, I doubt (and, if we read the second reading explanation, we can see this) whether the Government is really thinking about the litter stream in this legislation, because a part of the second reading explanation deals with matters other than litter. I do not know whether or not that is true but I believe the Government has other thoughts in its mind, and that leads me

once again to the point that the whole legislation appears to be aimed at banning the can from circulation, which does not make any great contribution to the total problem of litter. I indicate that, when the Bill passes its second reading stage, I will move for the setting up of a Select Committee. I do not wish it to be a Select Committee of this Council alone. The matter is of such importance, and the amount of information that will be given on this problem not only from other parts of the world but also from the Commonwealth Environment Committee is so great, that it should be a joint recommendation of both Houses. I give notice that I will move for the establishment of a Select Committee of both Houses. I support the second reading

The Hon. T. M. CASEY (Minister of Agriculture): I cannot understand how the Opposition has failed to fathom my second reading explanation of this Bill; I thought it was a simple explanation of a simple Bill, which will mean so much to the environment of this State. I have listened to honourable members saying that the Bill will cause problems, but those honourable members have not got down to the basis of the legislation. The Leader claimed that the Minister of Environment and Conservation had not carried out a study, but I do not believe that a study is absolutely necessary, because honourable members have been told by councils that the litter problem is real. It is not necessary to carry out a study to find out what percentage of litter is made up of cans. There is no reference in this Bill to banning the can. If honourable members can point out such a reference I will be very interested to see it.

The Hon. R. C. DeGaris: It is in the second reading explanation.

The Hon. T. M. CASEY: It is not. In my second reading explanation I said:

We do not intend this legislation to "ban the can", as has been done in Saskatchewan, but we serve notice in this measure that the pull-top opener must disappear within two years.

Surely honourable members can understand what that means, yet they have said that the Bill will ban the can. They are reading into the Bill something that is not there.

The Hon. R. A. Geddes: What will be the percentage reduction in the sale of cans?

The Hon. T. M. CASEY: I believe that the "pull top" has disappeared completely from Oregon. Further, I believe that in the coming months the can manufacturers will devise an opener that will solve the problem. Honourable members have not taken into account the public's support of this Bill We hear that manufacturers do not want it, but what about councils? What about the Mayor of Murray Bridge? He wants the Bill. Only today I received a telegram from Melbourne on this matter, and I have a petition signed by 342 people saying that they want the Bill passed. The Australian Union of Students fully supports the Bill and regards it as a progressive step. The Leader of the Opposition went all around the mulberry bush but got nowhere. We want to reduce the litter problem now.

Why should we wait for the Commonwealth Government's inquiry into the matter, as the Hon. Sir Arthur Rymill suggested? I have heard it said in this Council that South Australia is a sovereign State. In the light of that, is it not a progressive step for us to pass this legislation? In some recent debates honourable members, particularly the Hon. Mr. Hill, have said that they have been inundated with phone calls from constituents saying that something should be done about this and that. The following statement was made by Mr. Allen, the member for Frome in the House of Assembly:

In country towns there was an absence of aluminium cans. However, there were steel cans lying around in their hundreds.

Mr Heini Becker, a member of the Liberal and Country League, advocates a 5c deposit on all bottles. The Leader of the L.C.L. says:

The scheme need not cost the public more if they "cashed in the materials in their hand".

That means that he favours deposits. He continues:

This is a positive approach to an increasing problem, and one which has been requested by many members from both sides of the House, following representation from people, particularly local government authorities.

The Hon. I. C. Burdett: Where are you quoting from?

The Hon. T. M. CASEY: The Mayor of Murray Bridge called for the banning of cans and no-deposit bottled drinks at a meeting of his council on Monday night. Such calls for action have come from all over the State.

The Hon C. M. Hill: Do you support the Mayor of Murray Bridge? He called for the banning of cans.

The Hon. T. M. CASEY: No.

The Hon. C. M. Hill: Repeat what you said. You can't repeat it because you know you are out of order.

The PRESIDENT: Order! The honourable Minister.

The Hon. T. M CASEY: The honourable member has been a member of a council; it must have hurt him to the core that councils are demanding that legislation of this nature be enacted. They are calling for the cleaning up of cans in parks and gardens and along roadsides. I believe that 100 000 000 cans are sold annually in South Australia, and the figure will increase. One has only to travel around the suburbs to see what a degrading effect empty cans and in some cases bottles have on roadsides. On two occasions tonight it was claimed that this Bill would have a marked effect on our labour force. Studies have been carried out in other parts of the world, and I should like to read something of interest to honourable members. In many cases we have to be guided by studies carried out in other places. In any legislation the Government introduces, it uses a certain amount of information from other places, comparing their situation with ours, to see whether we can improve on what they have. The article states:

The purchase price of soft drinks in throwaway glass is 30 per cent more than when it is sold in returnable containers. Added to this are litter pickup, hauling, and land-fill costs paid by the consumer through monthly billings from trash haulers and state and municipal taxes. There are, in addition, the environmental costs of material and energy production paid in terms of health and aesthetic losses such as lung damage from power plant emissions and land strip-mined for coal. Were these costs tabulated and presented to the consumers at the time of purchase, the public would at least know the true cost of packaging convenience and might choose to buy less expensive returnable containers. (The Illinois consumer seems to prefer the returnable soft drink bottle to the throwaway.)

On the other hand, the packaging people have wedged themselves into the economic web, causing a redistribution of labour. Now labour, as well as the packaging industry, is opposed to a reduction in the volume of throwaway containers. One wonders if a reduction in the use of the earth's capital supplies of fuels for the production of energy might actually mean an increase in the need for human energy and consequently fuller employment. Indeed, Professor Hugh Folk has studied the effects of a conversion of the beverage container system to returnables in Illinois and found a net increase of 6 500 jobs.

The Hon. J. C. Burdett: Who made that study?

The Hon. T. M. CASEY: Professor Hugh Folk.

The Hon. A. M. Whyte: Have you got any other reports?

The Hon. T. M. CASEY: Honourable members will not accept studies conducted by eminent people in other parts of the world. Those studies apply equally to our situation, because this is a world-wide problem. The same circumstances apply in the States of America as apply in the States of Australia. The disposal of the can is a common problem.

The Hon. M. B. Cameron: Who encouraged the can industry to come here?

The Hon. T. M. CASEY: Let me finish. Honourable members get up in this Chamber without reference to any studies being made—

The Hon. C. M. Hill: Only the Jordan report!

The PRESIDENT: Order!

The Hon. T. M. CASEY: Honourable members get up without reference to any studies being made and say that we should look at the number of jobs that would be in jeopardy. I think the Hon. Mrs. Cooper mentioned that, and so did the Hon. Sir Arthur Rymill, but neither of those members gave evidence of any studies; they simply plucked their remarks out of the air. I at least gave the name of the professor who carried out the study I have quoted. Perhaps I should consult the Minister in another place to see whether he can get the full text of the study so that I can read it.

The Hon. J. C. Burdett: What about the Jordan report?

The Hon. T. M. CASEY: That is not the point I know you disagree with your Mayor at Murray Bridge.

The Hon. J. C. Burdett: He is not my Mayor.

The Hon. T. M. CASEY: Even the District Council of Noarlunga is giving its support to the South Australian Mixed Business Association Incorporated, which plans to ban the non-returnable soft drink bottle. It is significant that so many local government people want this legislation. Normally members opposite quote local government as the voice of the people outside, saying we must take notice of what it says. However, on this occasion they completely disregard the voice of the people and stick to a few manufacturers of cans in this State.

The Hon. J. C. Burdett: Do you want to ban the can?

The Hon. T. M. CASEY: Every word I have said in closing this debate relates to the fact that, to my knowledge, everyone outside agrees—and that includes the conservationists the Leader mentioned, and the environmentalists. I suppose the Leader, in his usual convincing way, has said that the only way to tackle this is through a Select Committee. What will a Select Committee do more than can be done with the information acquired by the Government?

The Hon. C. M. Hill: It is going to carry out research that the Government has not carried out.

The Hon. R. C. DeGaris: What did the Hon. Mr. Broomhill say—no research?

The Hon. T. M. CASEY: The Leader was not here when I first explained, and perhaps I should explain again now that he is back in the Chamber.

The Hon. M. B. Cameron: Will you guarantee that this legislation will have no effect on the can industry?

The PRESIDENT: Order!

The Hon. T. M. CASEY: The Leader said the Minister of Environment and Conservation had admitted at a meeting, apparently with the packagers, that no study had been made I believe the interpretation agreed to by the packagers is that the Minister said he had not done any official litter counts. That is the study referred to.

The Hon. R. C. DeGaris: In the *Canberra Times*?

The Hon. T. M. CASEY: That is right. I have a copy.

The Hon. R. C. DeGaris: So have I.

The Hon. T. M. CASEY: I think you will find that is the explanation.

The Hon. C. R. Story: Are you picking out the bits from your notes that you want to say again?

The Hon. T. M. CASEY: To refresh the minds of members such as the Hon. Mr. Hill, who is a staunch supporter of local government, let me say that in December, 1973, on anti-litter measures, the Southern and Hills Local Government Association, submitted that the Local Government Association should support the Government's proposal to provide for deposits on bottles and cans as an anti-litter measure. I do not know how many more local government associations throughout the State I would have to quote on this point to convince members opposite, especially the Hon. Mr. Hill, who at one time was Minister of Local Government and who quotes local government more than any other member in this Chamber.

The Hon. D. H. L. Banfield: That resolution was carried by the Local Government Associations.

The Hon. T. M. CASEY: Yes. This resolution was carried by the whole of the Local Government Associations of South Australia. I do not know how much more it will need to convince the Hon. Mr. Hill on this—and that goes for every member in this Chamber. The time has come for honourable members to face the realities of this problem and to take some steps as soon as possible. We have given that opportunity with this legislation. Let me say again that the legislation contains no reference to banning the can.

The Hon. M. B Dawkins: There was plenty of reference to that this afternoon.

The Hon. T M. CASEY: Never mind about this afternoon. Let us get back to the Bill instead of talking a lot of nonsense. The Hon Sir Arthur Rymill mentioned that, when he was coming up over the Adelaide Hills, he could see the smog encompassing the city, and he said that matter should be tackled, yet he is not prepared to tackle the litter problem because he wants to wait until the report of the Commonwealth Government inquiry comes down. What if the Commonwealth Government had an inquiry on smog? Would he want to wait for that? How many times has it been said that this is a sovereign State and we should make up our own minds, acting as we see fit in the interests of South Australia? The evidence as I see it is so strong, and people outside have been so strong in their representations to the Government and have supported this measure so wholeheartedly, that I see no rhyme or reason why members opposite should not support this legislation and not refer it, as they have indicated, to a Select Committee.

Bill read a second time.

The Hon. R. C. DeGARIS (Leader of the Opposition): In accordance with Joint Standing Order 1, I move:

That this Council request the concurrence of the House of Assembly in the appointment of a Joint Select Committee to which the Bill shall be referred for a report; that, in the event of a Select Committee being appointed, the Legislative Council be represented thereon by three members, two of whom shall form the quorum of the Council members necessary to be present at all sittings of the committee; that the Select Committee have power to sit during the recess; that a message be sent to the House of Assembly transmitting the foregoing resolutions; and that the Hons. D. H. L. Banfield, R. A. Geddes, and F. J. Potter be representatives of the Council on the said joint committee.

The Hon. M. B. CAMERON (Southern): I do not know whether this is the appropriate time to raise this matter, but I do not think that I heard the Leader give any date by which the committee must report to the Council. Is this the appropriate time to insert such a date, Sir?

The PRESIDENT: The honourable member may move to amend the motion.

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

After "power to sit during the recess" to insert "and report on the first day of the next session".

Although I do not wish this matter to be delayed any longer than is necessary, it is important that we include a date by which the committee must report.

The Hon. R. C. DeGARIS: I do not know that it makes any difference, as the reporting will be in the hands of the committee. However, I see no reason why a date should not be inserted.

The Hon. J. C. BURDETT (Southern): I wish to speak to the motion.

The PRESIDENT: Does the amendment interfere with what the honourable member wishes to say?

The Hon. J. C. BURDETT: No, Sir.

The PRESIDENT: Then we should dispose of the amendment, and the honourable member can then speak to the motion. The motion before the Council is "That the amendment be agreed to."

Amendment carried.

The PRESIDENT: The motion as amended now becomes the question before the Chair.

The Hon. J. C. BURDETT: The Minister suggested that Opposition members had not referred to reports. I wish to refer to a submission, to the House of Representatives Standing Committee on the Environment and Conservation, made by the Keep Australia Beautiful Council. This matter relates to local government. The submission states:

During January, 1973, all municipal councils in Queensland, South Australia, Tasmania, Victoria, Western Australia and the Northern Territory mailed a questionnaire inviting participation in a survey on litter facilities.

The Hon. T. M. CASEY (Minister of Agriculture): On a point of order, Mr. President. The Hon. Mr. Burdett is debating the whole question, not speaking to the motion as amended, as he implied that he would do. He is making a second reading speech and quoting from material which has nothing to do with the motion before the Chair.

The PRESIDENT: My decision is that the honourable member is speaking in support of the motion for a reference to a Select Committee, and I think he is in order.

The Hon. J. C. BURDETT: Thank you, Sir. The submission continues:

From a total of 676 councils, replies from 426 were received in time for analysis; this represents a response by—

The Hon. A. J. SHARD (Central No. 1): On a point of order, Mr. President. I take exception to this. The Hon. Mr. Burdett is replying to the reply the Minister gave in the second reading debate and is not commenting on the motion before the Chair.

The PRESIDENT: I have already given a decision that the honourable member is speaking to the motion before the Chair.

The Hon. A. F. KNEEBONE (Chief Secretary): On a point of order, Mr. President. The Hon. Mr. Burdett referred to the fact that the Minister—

The PRESIDENT: I have already given a decision on this matter. Is the Minister moving dissent to the ruling by the Chair?

The Hon. A. F. KNEEBONE: I should hate to have to do that.

The Hon. J. C. BURDETT: The motion is "That the Bill be referred to a Select Committee." The submission refers to reports about this matter, and I suggest that this supports the proposition put by the Leader, namely, that the Bill be referred to a Select Committee. The submission shows that most reports do not support the proposition that the main way in which to suppress and contain litter is to ban cans or place a deposit on them.

The PRESIDENT: I think the honourable member is getting to the stage where he is redebating the Bill.

The Hon. J. C. BURDETT: What I intended to read simply supports the motion that the Bill be referred to a Select Committee.

The Hon. A. J. Shard: You're rebutting what the Minister said in reply, and that is what you have been doing from the outset.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The motion suggests that the Bill be referred to a Select Committee, and I submit that it is permissible, in debating the issue, to suggest what the answers to the litter problem are, because they are inherent—

The Hon. A. J. Shard: The time to do it was in the second reading debate.

The Hon. J. C. BURDETT: I suggest that I am entitled to support the motion that the Bill be referred to a Select Committee, and in doing so I must be able to give my reason. To show my reason, I am quoting a report which shows that the majority opinion on this matter was not in favour of deposits on cans.

The Hon. A. J. Shard: That has nothing to do with the Select Committee.

The PRESIDENT: I cannot uphold it. The honourable member is debating the Bill itself. The motion before the Chair is that the Bill be referred to a Select Committee, and any argument for or against cans will be a subject of the committee's report. The matter before the Chair is "That the motion as amended be agreed to."

The Council divided on the motion as amended:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey (teller), B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 6 for the Ayes.

Motion as amended thus carried.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2641.)

The Hon. C. R. STORY (Midland): I support this Bill, which is not very long. However, there are one or two aspects of the measure about which I should like to elaborate and perhaps elicit some information from the Minister in charge of the Bill, because I believe his comments would be helpful to me and to other honourable members. The South Australian Meat Corporation is at present reaching the stage that it always seems to reach at some time during each year. At present the corporation has an industrial dispute on its hands.

Normally such a dispute takes the form of an application for increased wages or something to do with the running of the chain. However, in this case it does not seem to have either of those matters as a basis. It has been said that the employees of the corporation are on strike as a matter of principle.

I have tried to ascertain what that principle is, and it seems to me that the corporation took a prudent action in locking the premises so that no-one could get in and do any damage. It seems that this action was construed as a lock-out by night shift employees whose job it is to shift carcasses from one point to another. It has taken the employees a long time to make a complaint: the incident occurred in February and it is now about the end of March. It seems to me that perhaps someone wants a long holiday and has found this is the most convenient way of getting it.

The Hon. C. M. Hill: Will the Minister give his views on the matter when he replies?

The Hon. C. R. STORY: I am sure he will, and that he will be most helpful. However, we are in some difficulty. The Government has been more than generous to the corporation in guaranteeing money for its expansion and upgrading. The amounts guaranteed have been in excess of what is required to keep up with demands. I appreciate everything the Government did in getting the corporation's premises in order so that the export market was not jeopardized in any way. However, in addition the Gepps Cross facility has been greatly expanded. I question the need for such expansion, and ask whether the facilities that are available are being utilized. A profitable operation cannot be conducted when a business is working only about half of the hours of daylight in a plant that has cost many millions of dollars to upgrade.

I agree with the report which was the basis of a recent thesis and about which I asked the Minister a question recently (which he rather played down). That thesis is available in the Parliamentary library.

The Hon. T. M. Casey: I have a copy of it.

The Hon C. R. STORY: It is a useful document, and it is not just theoretical. Suggesting that the thesis is merely a matter of opinion is not correct, because much work and research went into its preparation. It is reflecting on the university when it is suggested that the information contained in the thesis is of little value or is inaccurate, because the university granted a Master of Arts degree to its author. On that basis some credence must be given to it. It is a well thought out document, which is backed up by much information. The principle referred to in the thesis will eventually cost some employees of the abattoir their jobs if they keep on with this sort of nonsensical dispute. Inroads will also be made into the amount of slaughtering done at the abattoir as a result of disputes. Killing done by private operators at Murray Bridge, Port Noarlunga, Peterborough and now at Naracoorte (to mention a few) plus interstate operators, will mean that every animal that is killed away from the Gepps Cross abattoir makes the position of people employed there a little more shaky each time. This problem has been going on for some time, and employees cannot expect to take a week or two off without it reflecting very badly on the finances of this corporation. When it is a frivolous (as I believe it is) complaint, as we have at present, the Minister of Agriculture, who has the ball entirely at his feet, should exercise the powers given him under the Act Under section 78 of the Act, he has the right to deal with Port Lincoln slaughtering and to allow a percentage of the meat slaughtered at Port Lincoln to come into the metropolitan area.

Under section 78 (*a*) he can deal with other abattoirs. Under section 78 (*b*) he has other powers, as he has under paragraphs (*c*) and (*d*). The Minister is entitled to give permission (and it would be a good thing and in the interests of the housewife in the metropolitan area if he gave permission) for meat to be slaughtered in abattoirs and slaughterhouses within the metropolitan area, as defined. These abattoirs and slaughterhouses are obliged, if killing is done there under the Minister's permit, to bring the meat so slaughtered into the metropolitan area for inspection. When that is done, the place above all places, of course, is Gilbert Street. That meat must come in with all the offal accompanying it. So we have a beast brought in with all the intestines attached for inspection if necessary, because it is necessary to find out whether there is any disease. This is highly archaic. This system was to be removed as soon as the administration of the abattoirs was reconstructed, but nothing has happened, to my knowledge, to alter the situation.

I want the Minister to explain to me exactly what the present situation is—why Gilbert Street has not been closed down and why any beasts that are killed within the metropolitan area are not taken to the metropolitan and export abattoirs for inspection by a competent meat inspector instead of dragging a meat inspector to the middle of the metropolitan area to examine animals with their intestines still attached, after which they are taken away and chopped up. Two points arise. First, the inspection would be much better done at the abattoirs by competent inspectors there. Secondly, it appears to me that the Minister should exercise the powers vested in him by section 78 (*a*), (*b*), (*c*) and (*d*); otherwise, they may just as well be removed from the Act.

Meat from other States is being brought by the three major companies into the metropolitan area. Naturally, that meat must be inspected, but also it is a lucrative source of income for Samcor, because the fee charged goes to Samcor to bolster it up and to give people there another three weeks holiday. That is only adding drastically to the cost of meat for the housewives of South Australia. The Minister should exercise the powers vested in him to enable other people, who are prepared to work and are prepared to try to give the housewife meat, to have an opportunity, by the Minister issuing permits, to make facilities more readily available for the inspection of that meat.

I do not agree with the tremendous expenditure taking place at the abattoirs, just to make it a bigger and bigger show. It would be much better to assist other facilities in the country areas near to the source of the supply of stock where they have still got the bloom on them and the stock has not been dragged around the country on railway trucks or road transport over long distances, penned up, as the unfortunate beasts have been, at the abattoirs while people are on strike. Animals do not understand that people are on strike. The men go off on the Friday night and the animals have to wait a week or a fortnight in pens until the men return to work. That is wrong, and the Minister should do all he can to see that the killing is split up into smaller and efficient units much closer to the source of supply.

Having said that, I believe the Minister will give me some replies, because this is important. A point worthy of mention is that every beast that goes out of this State and is sold on a market in another State, slaughtered and brought back to South Australia, means an increase in the cost of meat. If the facilities that the Government has so generously provided at Samcor are not fully utilized,

the Minister should take a hand in it. That is what I am asking him to do now. This Bill is merely a consolidation measure. It deals with the definition of "stock", which is now to include "buffaloes", which was brought in in the 1963 proclamation. Clause 3 amends section 7 by redefining the metropolitan abattoirs area. That is nothing new; it is all in the Act at present, but it merely brings it into proper form. Clause 4 amends section 30 by adding in paragraph (c), after the passage "Superannuation Act, 1969, as amended", the passage "or any corresponding subsequent enactment". There is nothing in that. Clauses 5, 6 and 7 make metric conversions. Clause 8 makes a grammatical amendment. Clause 9 is a consequential amendment. Clause 10 repeals section 110 of the principal Act, which is now obsolete. There is nothing new in all that.

However, I hope the Minister will give me some replies to the matters I have raised, because meat is an important part of the Australian diet. If any families can at present manage to buy meat for $14 a week, I would employ the wife in one of those families to come and be my housekeeper! People who take home $50 a week in their pay packets have this sort of price to pay for a necessity, and meat is a necessity. Anything we can do to keep down the price of meat will benefit the housewife, the family, the primary producer and, most of all, the people employed at the abattoirs.

The Hon. T. M. CASEY (Minister of Agriculture): I thank the honourable member for his contribution to the debate As he has said, this is a consolidation Bill. I will carefully consider the questions he has raised, and I will reply to him by letter, which I am sure he will appreciate.

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

FIRE BRIGADES ACT AMENDMENT BILL (CONTRIBUTIONS)

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 intended to rationalize and bring into line with interstate practice the financing of the Fire Brigades Board. For a number of years the burden of contribution towards the estimated expenditure of the Fire Brigades Board has been distributed between the Government contributing 16 per cent, local government authorities contributing about 23 per cent, and insurance companies contributing the balance. Several large local government authorities in recent financial years have sought, and been granted by the Government, reductions in their level of contributions, the Government making up the reductions by way of *ex gratia* payments.

This measure adopts the distribution of costs in force in New South Wales, Queensland and Western Australia and that proposed to be adopted by Victoria. Under this provision the level of contribution of the Government and local government authorities is reduced to a fixed 12½ per cent of the estimated expenditure of the board, while the balance of 75 per cent is to be contributed by the insurance companies. It is proposed that this take effect from the commencement of the next financial year.

Clause 1 is formal. Clause 2 provides for the Act to come into operation on July 1, 1974. Clause 3 amends section 54 of the principal Act and provides that the Government's share of contributions to the expenditure of the board shall be one-eighth, the local government share shall be one-eighth, and the insurance companies' share shall be three-quarters. In addition, opportunity has been taken to remove from this section the provision that limited the Government's contribution to something over $20 000. This limitation has, for other reasons, been in operation over a number of years and its further retention seems undesirable.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which is in keeping with the Chief Secretary's second reading explanation. Over the years the Government has contributed 16 per cent toward the estimated expenditure of the Fire Brigades Board, councils have contributed 23 per cent, and insurance companies the balance. Under the Bill, the Government will contribute 12½ per cent, councils will contribute 12½ per cent, and the insurance companies will contribute 75 per cent Over the years it has been the custom for councils that experience special difficulties in meeting their contributions to apply to the Government for additional financial assistance. Because such applications have to be made annually, the councils do not know from year to year what their position will be. If a fire brigade is situated a long way from another fire brigade, it has an added burden, because it needs to have a 24-hour full roster as a precaution against serious fires. However, where neighbouring fire brigades are close together, they can call on each other in a time of emergency.

I have checked out this Bill with councils and with the Local Government Association, which supports the Bill It made submissions which possibly led to the introduction of the Bill. Can the Minister tell me whether the insurance companies have been consulted about the Bill? Actually, I believe that what people will save as ratepayers they will pay out as policy-holders, as a result of increases in insurance premiums, because insurance companies will have to pass on some of the added costs. I therefore doubt whether people will experience any savings in the final analysis. However, councils will find it easier to balance their budgets I therefore support the Bill, and I support the removal of the limitation on the Government's contribution. Nowadays the value of money is rapidly depreciating. Some time ago $20 000 may have appeared to be a substantial sum but, in real terms, it is not nearly as substantial now.

The Hon. A. F. KNEEBONE (Chief Secretary): The honourable member asked whether the insurance companies had been notified The board was notified of the proposal some months ago and the representatives on the board would have reported back immediately to the insurance companies.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Contributions to expenditure of board."

The Hon. G. J. GILFILLAN: How is the levy made on the insurance companies? Is it a pro rata payment according to their premium income, or by what method is the contribution of each individual insurance company assessed?

The Hon A F. KNEEBONE (Chief Secretary): I understand the Underwriters Association takes care of that; the amount the insurance companies pay comes through that association.

Clause passed.

Title passed.

Bill read a third time and passed.

PUBLIC SERVICE 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.

This short Bill proposes two disparate amendments to the principal Act, the Public Service Act, 1967-1973. This being the case it may perhaps be convenient to consider these amendments in relation to the clauses by which they are proposed. Clause 1 is formal. Clause 2 provides that the Act presaged by this Bill will come into operation on July 1, 1974. This commencement date is specifically related to the amendment proposed by clause 4. Clause 3 amends section 35 of the principal Act, this being the section that provides for the payment of allowances commonly described as "higher duties allowances"; that is, allowances payable to an officer for performing duties over and above those on which his classification is based. Under the principal Act, as at present in force, these allowances are not paid if the duties are performed as a consequence of the absence of another officer on recreation leave.

For some time it has been considered that this distinction is entirely illogical, since the allowances are intended to be a proper recompense for the fact that the additional or other duties are performed by an officer, and the payment or otherwise should not be made dependent on some factor such as this merely relating to the circumstances which render their performance necessary. Accordingly, it is intended by the repeal of subsection (3) of this section that the distinction will be removed.

Clause 4 is proposed in consequence of the enactment of the Superannuation Bill, 1974, which provides for "early" retirement at age 55 years on a reduced pension if that retirement is permitted by the contributor's conditions of service. At present the principal Act does not provide for retirement for males at this age. The effect of the re-enactment of section 106 of the principal Act, provided for by this clause, will be to provide a common retiring age for both male and female officers with a common right to service until age 65 years. The right of female officers, who are at present contributing for retirement on full pension at age 55 years, is unaffected by this amendment.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which makes two entirely different administrative amendments to the principal Act. From a logical point of view, one may say that if a person is performing higher duties for only one day he should be given the extra salary commensurate with the office he is temporarily filling. I am not so sure that this is not just one of those extra little benefits the Public Service can offer and which private enterprise could not possibly offer. I do not know of anywhere in private industry where a person who takes over during a holiday period gets extra pay. It has never been done in the Public Service; in fact, on many occasions the opportunity to take on a higher job while a person is absent on leave is appreciated because perhaps it gives some possibility of a kind of lien on the job for the future, and certainly it gives the officer the benefit of the experience in carrying on that job.

Now, of course, he is to get the salary for it as well. If the Government wants to do this, I see no logical reason why it could not be done, but it is unlikely that this kind of benefit will apply outside the Public Service. Of course, we could carry the situation to an absurd length. One might say that if someone occupies the Chair in this place for a couple of hours while you, Sir, may be absent, he should get extra pay for those hours because he is carrying out higher duties In some ways there is an inherent weakness and rather an absurdity in this proposal; every time someone takes over a job he must get higher pay. If someone at the top of the department is going on recreation leave I suppose everyone in the department will move up one position for three or four weeks, getting extra pay as a result. It simply means it will cost the Government more money; therefore, it will cost the taxpayer more money. I do not think we have any justification in complaining about the Bill. If the Government wants to do this kind of thing, I suppose it is within its competence to suggest it and to spend money in that way, but in some ways I am not entirely happy with the suggestion.

The second amendment provides for early retirement at 55 years of age. Here is a case where the males come to the female level, rather than *vice versa*. We have heard a great deal of talk about discrimination against the female sex. We have often been told a woman should have the same rights as the male, but now we are giving the men the same rights as the women. If the men are fortunate enough to be in a job where the conditions will allow it, they can elect to retire at 55 years of age although contributing for a pension at 60 years of age. I suppose we are in an era when we look forward to longer and longer retirement on more and more superannuation. I suppose this Bill is a result of the new era, the new philosophy, and the new way of life in this country. I hope we can afford the provisions of this Bill; apparently the Government believes we can. I support the Bill.

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

EDUCATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The enactment of this short Bill is rendered necessary by the passage of the Superannuation Bill, 1974 Honourable members will recall that that measure provided for a pension on early retirement if the contributor had attained the age of 55 years, where that retirement was permitted by the terms of the contributor's employment. At present the principal Act, the Education Act, 1972, does not generally provide for such retirement, and the effect of clause 3 is to provide that a member of the teaching service may retire at the end of the school year, as defined, in which he attains the age of 55 years or at the end of any subsequent school year until he attains the age of 65 years when he must retire.

The right of female contributors to the fund who are at present contributing for retirement at age 55 years is not affected by this Bill. In their case retirement will be at the full pension for which they were contributing. Thus their pension will not be subject to reduction on the ground of their early retirement.

The Hon. JESSIE COOPER (Central No. 2): I rise to support this Bill. It is perfectly straight forward, as the Minister has explained. It becomes necessary because of the recent passage of the Superannuation Bill. I was very pleased to see that the right of female contributors to the fund is not affected, and that they will still be able to retire on a full pension. I do not believe there is anything else to say about the Bill except that honourable members should support it.

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

JURIES 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.

The principal object of this Bill is to provide a new system whereby a common pool of jurors may be established for serving both the Supreme Court and district criminal courts in a particular jury district. The proposed system reflects the co-operation that exists between the two criminal courts and will, if put into effect, streamline and simplify the procedure whereby juries are constituted for particular inquests. No longer will there be separate procedural provisions for the two court systems, and the sheriff need only establish one body of jurors each month from which juries for both courts may be drawn. This new uniform system will overcome problems arising from the dichotomy of the present system which frequently produces a dearth of jurors for one jurisdiction but more than enough for the other. The rather cumbersome system involving the issue of precepts by judges for each criminal session has been removed.

The jury pool system has been in operation in the State of Victoria for some time and is considered to be most successful. The various ramifications of the Bill have been considered by the judges of the Supreme Court and the district criminal courts. The sheriff will undoubtedly welcome such a timesaving, efficient, and co-operative system. The Bill also seeks to clarify the doubts that have recently arisen over the question of what periods of time must be taken into account when computing the time for which a jury has been in deliberation. The Act provides for majority verdicts in certain criminal cases where a jury has "remained in deliberation for at least four hours". This provision raises the problem of whether a jury is to be regarded as being in deliberation while it is, for example, taking refreshments. Several questions of this nature have been raised and the judges desire to have the matter clarified in the Act.

Clause 1 is formal. Clause 2 fixes the commencement of the Bill on a day to be proclaimed. Clause 3 amends the arrangement of the Act. Clause 4 provides for three jury districts: one to serve the Supreme Court and Central District Criminal Court; one to serve the Port Augusta Circuit Court and the Northern District Criminal Court; one to serve the Mount Gambier Circuit Court and the South-Eastern District Criminal Court. Jury districts may be created or varied in area, but they must be comprised of complete subdivisions. Clause 5 repeals that Part of the Act that dealt with jury regions for district criminal courts. Clause 6 effects a consequential amendment in that it re-enacts section 14 of the Act so as to omit all reference to jury regions.

Clause 7 effects a consequential amendment. Clause 8 simplifies the wording of section 16 of the Act. Clauses 9 and 10 effect consequential amendments. Clause 11 re-enacts section 19 of the Act in a simplified form. Clause 12 effects a consequential amendment. Clause 13 re-enacts section 21 of the Act and provides that the annual jury list for the Adelaide jury district shall contain not less than 3 000 names (an increase of 800 over and above the combined minimum number for the Adelaide jury district and jury region under the Act as it now stands). An annual list for a country jury district must contain at least 500 names. Clause 14 re-enacts section 22 of the Act so as to omit reference to jury regions. Clauses 15 and 16 effect consequential amendments.

Clause 17 repeals those sections of the Act that deal with the keeping of jurors' boxes and cards, a system that will be inappropriate upon the establishment of a jury pool system. Clause 18 effects the substitution of the jury pool system for the present method of forming jury panels. New section 29 provides that the sheriff shall ascertain the number of jurors needed month by month for each jury district and shall duly summon those jurors. The names may be selected by ballot or by the computer. Persons who have already served as jurors in that year are excluded from the list before a selection is made, but those that have served as jurors more than six months previously may be liable to be selected again if the number on the jury list is not sufficient. New section 30 provides for the issuing and serving of summonses to jurors and does not differ materially from the corresponding provision of the Act as it now stands.

New section 31 provides that the sheriff must keep a list of the persons summoned as jurors each month and must make the list available to certain persons. Again, this provision is similar to the corresponding provision in the Act as it now stands. New section 32 provides for the formation of jury panels from the pool to serve individual inquests. If more than the required number of jurors attend on the day on which an inquest or several inquests are to commence, the panel or panels shall be constituted by a ballot conducted in a room open to the public. Those jurors who do not eventually constitute a jury can be excused until a further specified day, and a discharged jury may similarly be excused. The court before which a jury has served has the power to excuse a juror from any further jury service in that month. New section 33 provides for an oath or affirmation to be taken by jurors before the sheriff.

Clause 19 re-enacts section 42 of the Act, omitting all reference to precepts, and simply requires the sheriff to furnish the court with a list of names, addresses, and occupations of the panel of jurors who are to serve that court, and also cards bearing that information. Clause 20 repeals those sections of the Act that deal with the swearing of jurors in open court. This procedure, as I have already mentioned, will have been carried out by the sheriff. Clause 21 repeals those sections of the Act that deal with the putting aside of cards for jurors called but not empanelled. These sections are now redundant. Clause 22 effects a consequential amendment. Clause 23 repeals section 51 of the Act, which deals with the setting aside of cards for jurors in certain circumstances, another section now redundant. Sections 52 and 53 deal with the taking of affirmations and are repealed. This matter is dealt with in new section 33.

Clause 24 effects a consequential amendment. Clause 25 provides that, unless an interruption is prolonged, an interruption in a jury's deliberation is to be disregarded for the purposes of computing the time spent by a jury in deliberation under sections 56, 57 or 58 of the Act. Clauses 26, 27 and 28 effect consequential amendments. Clause 29 re-enacts the provisions of sections 78 and 79 of the Act in simplified form and provides a specified maximum fine of $1 000 for any offence. The four offences do not differ materially from the offences set out in the Act as it now stands. Clause 30 strikes out some unnecessary words. Clause 31 re-enacts section 83 and renders the penalty the same in respect of offences relating to inquests in either the Supreme Court or a District Criminal Court.

Clause 32 re-enacts section 89 of the Act and provides that the Chief Justice of the Supreme Court and the Senior Judge of the Central District Criminal Court may jointly make rules for the purposes of the Act. Clause 33 re-enacts the second schedule so as to be consistent with the new provisions inserted by the Bill. Clause 34 repeals the fourth schedule to the Act, which provided the forms of precept. Clause 35 re-enacts the fifth schedule and provides a form of summons consistent with the new provisions of the Bill. Clause 36 repeals the sixth and seventh schedules to the Act and provides a new and simplified form of oath or affirmation.

The Hon. J. C. BURDETT secured the adjournment of the debate

LICENSING ACT AMENDMENT BILL (MISCELLANEOUS)

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 Licensing Act. It is essentially a Committee Bill and, accordingly, I shall explain it in terms of its various clauses. Clauses 1 and 2 are formal Clause 3 removes the definitions of "previously unlicensed premises" and "premises previously unlicensed". These definitions have raised technical problems as to exactly what is meant by the expression "previously unlicensed premises". Accordingly, the definitions are removed and the intention is set out more clearly in those provisions in which these expressions were formerly used.

Clause 4 amends section 12 of the principal Act. This section at present restricts the right of certain persons (for example, licensed auctioneers) to hold licences under the principal Act. In fact, the principal Act provides for the granting of hotel brokers' licences, and it was never intended that this restriction should apply to licences of that nature. The provision is accordingly amended so that the restriction applies only to licences granted under Part III or Part IV of the principal Act. Clause 5 enacts new sections in the principal Act providing for the granting of special licences to certain organizations. These new sections are parallel to provisions at present existing in section 18 of the principal Act, with the following exceptions. New section 16c provides that a fee determined by rules of court shall be payable for the licence granted in respect of the Adelaide Festival Centre. The present fee for this licence is $50, and that fee is quite inappropriate in view of the quantities of liquor purchased by the licensee for sale in pursuance of the licence. New section 16d provides for the grant of a licence to the British Sailors' Society (At Home and Abroad) Incorporated, authorizing it to supply liquor on its premises at Port Adelaide

Clause 6 amends section 18 of the principal Act. This section previously provided for the granting of a special licence in respect of various specified festivals of historic, traditional, or cultural significance. It is now believed that these festivals can be dealt with under a general provision which was enacted by Parliament last year. Amendments are therefore made accordingly. An additional provision is inserted under which the court may extend the period of a special licence under section 18 from three days to 14 days. Clause 7 amends section 27 of the principal Act. The amendment is designed to correct a technical defect in the provisions of the principal Act. It does so by providing that a person may lawfully take liquor purchased from a club that is entitled to sell liquor for consumption outside its premises within the licensed hours or 30 minutes thereafter. Clause 8 enables the Licensing Court to grant a special licence, pending the renewal of a licence, for such period as it considers fit.

Clauses 9 and 10 seek to overcome technical difficulties in relation to the exhibition of notices prior to the granting of a licence in respect of certain premises. At present, the Act provides that the notice must be exhibited on or near the main entrance to the premises and so as to be easily legible by members of the public passing on the nearest public footpath. It is sometimes physically impossible for a notice to be erected on or near the main entrance and at the same time to be easily legible by persons passing the site of the premises. These clauses, therefore, provide that in such a case two notices must be erected, one at the main entrance and the other in some place where it is conspicuous to members of the public passing the site of the premises. Clause 11 deals with an application for the renewal of a licence. It provides, in effect, that the court may exempt an applicant for the renewal of a licence from the provisions relating to notice where there is proper reason to do so.

Clauses 12 and 13 make amendments consequential upon the removal of the definition of "previously unlicensed premises". Clause 14 deals with the exhibition of notices where an application to transfer a licence is made. These amendments correspond to the previous amendments made in relation to the exhibition of notices. Clause 15 deals with an application to transfer a licence on the sale of licensed premises Certain information that was previously required to accompany the application must now accompany the notice of application. Clause 16 deals with the exhibition of notices where there is an application to remove business to new premises. These amendments correspond to the previous amendments in relation to exhibition of notices. Clause 17 makes a drafting amendment to the principal Act. Clause 18 provides that, where a licence is transferred, the court may also transfer supper permits and entertainment permits that are annexed to that licence. Clause 19 deals with the duties of the clerk. The clerk does not now normally attend all sittings of the court and, accordingly, an amendment is made removing that requirement. A drafting amendment is made to paragraph (*a*) of subsection (3).

Clause 20 enables the court to vary the hours pertaining to a licence granted over premises situated west of 133 degrees of longitude. Thus, where premises are situated west of Penong the court may provide that liquor may be sold within hours which it deems appropriate. This will enable a licensee of such premises to compete fairly with licensees in Western Australia where, especially during summer months, there is a wide divergence between South Australian time and Western Australian time. Clause 21 expands the present provision under which a police officer may require a person whom he finds on licensed premises to state his age or to give satisfactory evidence of age where he has reasonable cause to suspect that the age stated may be false. The power may now be exercised by a licensee or his employee.

Clause 22 deals with permits for liquor tasting. At present, application must be made seven clear days before the application is heard and determined by the court. This requirement is amended to provide that application must be made seven days before the day, or the first of the days, for which the permit is sought. Clause 23 makes

it an offence for a person to carry away liquor purchased on licensed premises in a case where the licensee is not authorized to sell or supply liquor for consumption outside those premises.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, and I am pleased that the Licensing Act is being consolidated. I have studied the Bill carefully and related it to the principal Act. The Bill corrects some anomalies that have existed in the principal Act and it makes that Act easier to administer. Clause 5 provides that a fee determined by Rules of Court shall be payable for the licence granted in respect of the Adelaide Festival Centre. The present fee for this licence is $50. The provision is reasonable, in view of the quantities of liquor purchased by the licensee for sale in pursuance of the licence.

The Hon. R. A. Geddes: Is the fee prescribed?

The Hon. G. J. GILFILLAN: No; it will be determined by Rules of Court. Perhaps there has been unfair competition up to the present. Clause 20 enables the court to vary the hours pertaining to a licence granted over premises situated west of 133 degrees of longitude. Thus, where premises are situated west of Penong the court may provide that liquor may be sold within hours which it deems appropriate. This will enable a licensee of such premises to compete fairly with licensees in Western Australia where, especially during summer months, there is a wide divergence between South Australian time and Western Australian time. Actually, there would be only a limited number of licensed premises west of Penong. Perhaps this provision should apply, at the request of the licensee, to some areas further east. People familiar with Eyre Peninsula know that during the months of daylight saving there is a considerable difference between the true time of Adelaide and that of Ceduna, which is at least 500 miles (804 km) west of Adelaide.

Clause 21 expands the present provision under which a police officer may require a person whom he finds on licensed premises to state his age or to give satisfactory evidence of age where he has reasonable cause to suspect that the age stated may be false The power may now be exercised by a licensee or his employee. This is a very desirable provision. One of the very difficult situations facing a licensee is to determine the age of younger people who are on his premises and requiring service. The provision will not entirely solve the problem but it will give the licensee some redress. I know of a case where a father and son were in a hotel for a family birthday celebration. The father ordered drinks for himself and his family, including the son. The licensee inquired what the age of the son was, and the licensee was told that the son was over 18 years of age. When the licensee demanded proof of the age of the son, who was obviously under 18 years of age, the family packed up and went to another hotel in the same town. So, the human element enters into the matter. I support clause 21, because it provides some protection for the licensee in difficult circumstances. Furthermore, I support the Bill.

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

STATUTE LAW REVISION BILL (AMENDMENTS)

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 a Bill which, if approved by Parliament, will facilitate and accelerate the programme undertaken by the Government for the consolidation and reprinting of the public general Acts of South Australia under the Acts Republication Act, 1967-1972. The objects of the Bill are the making of consequential and minor amendments, the correction of errors and anomalies and the repeal of obsolete enactments. The four Acts listed in the first schedule for repeal are now obsolete and no longer in operation and their repeal would not prejudice any person.

So far as the 28 Acts listed for amendment in the second schedule are concerned, every precaution has been taken to ensure that no amendment to any Act changes any policy or principle that has already been established by Parliament. In the case of conversions of currency and measurements, exact equivalents have been adopted except where such equivalents are either impractical or administratively inconvenient, in which case the nearest and most practical or convenient conversions have been adopted. I shall now deal with the clauses. Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is repealed by some other Act before this Bill becomes law. This is an eventuality that is possible and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect. Clause 3 (1) provides that the Acts listed in the first column of the second schedule are amended in the manner indicated in the second column of that schedule and, as so amended, may be cited by their new citations as specified, in appropriate cases, in the third column of that schedule.

Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is (before this Bill becomes law) repealed by some other Act or amended by some other Act in such a way that renders the amendment as expressed by this Bill ineffective. This is another eventuality that could well occur. Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill. The first schedule lists the Acts to be repealed as they are no longer in operation. I shall now explain the amendments in the second schedule to the Bill.

Artificial Breeding Act, 1961: the first of these amendments alters "twenty shillings in the pound" to "one hundred cents in the dollar". The amendments to section 15 update the references to the Superannuation Act, 1926, by adding the words "or any corresponding subsequent enactment" thus giving those references a continuing application. The amendment to section 17 updates the reference to the Public Service Act, and the amendment to section 26 makes a conversion to decimal currency.

Bread Act, 1954-1972: the amendment to section 4 is consequential on the enactment of the Public Service Act, 1967. The amendments to sections 5 and 6 make conversions to decimal currency. The amendment to section 7 corrects a wrong subsection designation. The amendments to sections 11 and 14 make conversions to decimal currency and the amendment to section 12 is consequential on the enactment of the Weights and Measures Act, 1971.

Community Hotels Incorporation Act, 1938-1944: these amendments are consequential on the enactment of the Licensing Act, 1967, and the Associations Incorporation Act, 1956.

Companies Act, 1962-1973: these amendments are consequential on previous amendments to the principal Act. The amendment to the eighth schedule merely re-enacts a footnote (in the form set out in that schedule) which had inadvertently been struck out by an earlier amendment.

Consolidation of Regulations Act, 1937: this amendment strikes out from subsection (3) of section 2 the reference to the South Australian Harbors Board, which is no longer in existence.

Crown Lands Act, 1929-1973: these amendments are of a grammatical nature.

Hide, Skin and Wool Dealers Act Amendment Act, 1959: these amendments have the effect of giving the provisions of section 8 (2) of the Hide, Skin and Wool Dealers Act Amendment Act, 1959, a "home" in subsection (6) of section 16 of the principal Act.

Industrial Conciliation and Arbitration Act, 1972. this amendment is consequential on the repeal of section 21 of the Industrial Code, 1967, and is related to the amendment to section 25 of the Workmen's Compensation Act, 1971-1973, as set out in the second schedule to this Bill.

Institute of Medical and Veterinary Science Act, 1937-1962: these amendments update the references to the Public Service Act, 1936, and the Superannuation Act, 1926, and make two conversions to decimal currency.

Irrigation Act, 1930-1971: this amendment corrects a grammatical error.

Justices Act, 1921-1972: these amendments convert to decimal currency two references to the old currency but, although exact equivalents in decimal currency have not been substituted for the existing references to the old currency, the most convenient and practical conversions have been made without altering the policy expressed in the Act.

Law of Property Act, 1936-1972: this amendment is consequential on the enactment of section 62b

Licensing Act, 1967-1973: the amendment to section 66 (19) corrects an inaccurate reference to the Collections for Charitable Purposes Act. The amendment to section 125 (3) makes a grammatical correction and the amendment to section 156 (2) (*a*) converts "five gallons" to "twenty litres". This conversion is consistent with section 29.

Marginal Lands Act, 1940-1973: this amendment converts the reference to "Commissioner" to a reference to the Minister of Lands.

Medical Practitioners Act, 1919-1971: this amendment clarifies section 26a (7).

Mines and Works Inspection Act, 1920-1970: these are amendments of a formal nature

Pastoral Act, 1936-1970: these amendments are also of a formal nature.

Police Offences Act, 1953-1973: this is also a formal amendment.

Real Property Act, 1886-1972. this amendment is consequential on the enactment of section 115a.

South-Eastern Drainage Act, 1931-1972: this is a formal amendment.

Stamp Duties Act, 1923-1973: this amendment strikes out from section 89a (3) (*b*) of the Stamp Duties Act the reference to the South Australian Trotting League Incorporated, which is not now relevant to this Act and substitutes a reference to the Trotting Control Board, which has taken over most of the functions of the league.

Stamp Duties Act Amendment Act, 1968: this amendment corrects an error in section 4 of this amending Act.

Statute Law Revision Act, 1935: these amendments strike out references to the Immigration Act, 1923 and the Building Act, 1923, both of which have been repealed.

Trustee Act, 1936-1968: the amendment to section 19 (4) is consequential on the enactment in 1940 of section 17a which was inserted between section 17 and section 18. The amendment to section 59 is consequential on the enactment of the Companies Act, 1962.

Underground Waters Preservation Act, 1969-1973: these amendments update the references to the Pastoral Act, 1936, and correct an erroneous reference to the Health Act.

Wild Dogs Act Amendment Act, 1970: this amendment corrects an erroneous reference in section 2

Workmen's Compensation Act, 1971-1973: these amendments are all consequential on the enactment of the Industrial Conciliation and Arbitration Act, 1972.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is similar to one dealt with a few months ago. It gives effect to the Statute law revision and shows that our former Parliamentary Counsel (Mr. Ludovici) is well on with his job of consolidating our Statutes. I am pleased to note that the Acts amended start from the letter "A" and finish with the letter "W". One would think he must have gone through the whole of the Statutes by now, and I hope the time is rapidly approaching when members of Parliament, and also members of the public, will be able to get the first set of our new consolidated Statutes. I have had an opportunity to look at the various amendments. They are almost all of a formal nature, and the Bill has my support.

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

ADJOURNMENT

At 11.47 p.m. the Council adjourned until Wednesday, March 27, at 2.15 p.m.