LEGISLATIVE COUNCIL

Thursday, November 14, 1974

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

BOATING BILL

His Excellency the Governor, by message, informed the Council that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

ASSENT TO BILLS

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

Local and District Criminal Courts Act Amendment,
Pyap Irrigation Trust Act Amendment.

PETITION: LOCAL GOVERNMENT

The Hon. M. B. DAWKINS presented a petition from 317 ratepayers of the District Council of Clinton opposing the changes that the Royal Commission into Local Government Areas had recommended to the local government areas that had existed for many years on Yorke Peninsula and requesting that no alteration be made to the boundaries of the Clinton District Council.

Petition received and read.

LEGISLATIVE COUNCIL LITERATURE

The PRESIDENT: The honourable Minister of Agriculture has handed me a document headed "Weekly Report of the Legislative Council" and dated November 8, 1974, upon which questions were asked yesterday as to the authority for its distribution. I inform the Council that the Hon. Mr. DeGaris has advised me that he was responsible for the report. It was not an official publication but a newsletter circulated by the honourable member to his constituents and to representatives of the press, radio and television, copies of this issue and all previous issues having been lodged in the Parliamentary Library for the information of anyone interested. Although the newsletter has not contained the name of the member responsible for its compilation, it has been distributed with cards bearing the personal compliments of the honourable member. Recipients are advised that the newsletter is produced by members of the Liberal Party in the Legislative Council. The issue referred to, however, included comments and criticism upon a portion of the report which I consider should properly state the name of its author. The Hon. Mr. DeGaris concurs and will in future sign the newsletter as its author.

I have to inform the Council further that I am in receipt of a communication consisting of a Legislative Council envelope from Gawler marked "R.T.S." (return to sender). On opening it, I found a circular headed "Australian Labor Party, S.A. Branch" addressed to all affiliates and signed by a Mr. G. T. Whitten, State Secretary. This is a breach of the rules of the Council concerning the use of official Council stationery and, presumably, postage stamps, and I ask members to ensure that breaches do not recur.

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: Along with other members of the Liberal Party in this Chamber, I have been producing and circulating a weekly newsletter for over four years containing factual information on legislation before this Parliament. I began this service following massive changes to the succession duties legislation in 1971, when I received a tremendous number of requests for information on the changes that had been made to the Statutes. I think honourable members can understand that, when massive changes are made to Statutes such as the Succession Duties Act, it is necessary to have available accurate information in order to advise people what changes have been made, because many people in the community are adversely affected by these changes and need to make necessary alterations to their private affairs to cater for the changes. That was the beginning of the newsletter.

I have tried over the years to make sure that there is no political comment. I have tried to keep it so that it is accurate information on legislation before the Council. I think most members would appreciate that. Here I am not criticising the press, because very often information on changes to legislation is not widely read in the news, and yet to many people in the community it is of vital interest to know exactly what changes are taking place in legislation. I agree that, in the last report, two comments were made that one could say were possibly political in nature. For that I take full blame, but I point out that it is difficult, with the pressure of time, and working in Parliament, to maintain always the very high standard I have tried to maintain with this newsletter. Any ill feeling I may have caused in that respect is deeply regretted. Copies have always been in the Parliamentary Library for any member to see. I have tried to keep the newsletter, as far as I am concerned, accurate and factual so that interested people, especially in the legal profession, may be well informed as to changes taking place in legislation and occasionally as to the arguments used on both sides to justify the attitude taken by this Council.

DIREK (SALISBURY NORTH) PRIMARY SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Direk (Salisbury North) Primary School.

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1926.)

The Hon. G. J. GILFILLAN (Northern): I rise to speak to this Bill. It is most unfortunate that we should have such revenue raising legislation coming before Parliament so quickly after the passage of the Budget. It adds to the uncertainty of many people in planning their business affairs and planning for any future development. In the Minister's second reading speech, which is the formal explanation of the legislation, it was stated that, owing to some lack of Commonwealth funds which had been expected and a down-turn in conveyances in August, it had been decided to introduce this legislation to increase stamp duties. Even since the Minister's second reading explanation we have heard announcements from Canberra about different measures to be taken in an effort to improve the economy, including, of course, money for houses and other financial help.

The public is faced with a confusing picture of policies changing from day to day and a lack of communication and of a steady path by both Commonwealth and State Governments. This Bill has been brought in for that reason. and because of the down-turn in conveyances processed in August. This is not, of course, the figure for 12 months; it is a prediction, a completely hypothetical assessment of income based on a very short period of time. We must admit that we have this uncertainty in the community, and that we have a down-turn in conveyances. The reason is easily understood. I cannot see, for the life of me, how this legislation will do anything but make the situation worse,

With the uncertainty throughout the whole business and private world at present, about the last thing any prudent person would want to do (unless he had a good deal of finance at his disposal) would be to go into debt to buy a house. This is one of the areas that are causing most concern in the employment and business fields. Anyone in these days of uncertainty, with predictions of massive unemployment, would be wary about entering into a long-term financial commitment, because that commitment could mean a serious loss to him should he not retain his employment.

Of course, the addition of this impost of increased stamp duty, which is very considerable, surely only compounds the problem in the house building and house selling areas. It has often been said that South Australia, for its employment, depends largely on the motor industry. I do not think anyone disputes that that industry and allied industries are important to this State and should be given every encouragement. We see, on the one hand, the Commonwealth Government at long last acknowledging this with a 10 per cent increase in tariffs on imported vehicles, at least for the time being, for it is not certain how long that will last. On the other hand, we see a compensating move in the State to negative any advantage that the Commonwealth move may bring by increasing the stamp duty on motor vehicles. So the Government here is hitting at the very basis of South Australian prosperity—housing, motor vehicles, insurance, and life assurance, all things that prudent people must take into account. It is the prudent people who take out life assurance policies and insure. This Bill is another move against anyone with any desire to become self-sufficient.

The motor industry is being hit severely. The Hon. Mr. DeGaris in his speech yesterday gave some good examples of the costs involved in conveyances. We must look at these costs in the light of present-day values, and perhaps inflating values; but he did not mention in any detail the increased charges to the motor industry. The future of the motor industry must surely be bleak if these charges continue. We have seen this year a tremendous rise in the prices of vehicles, owing to increased manufacturing costs. There have been increases in all types of charge on the motorist—increases in petrol prices as a result of extra charges made by the Commonwealth Government, increased registration fees, etc. Then, on top of that, there is this steep increase in stamp duties. This applies to the original purchase as well as to the transfer of a vehicle, so this duty can be collected more than once on the same vehicle, depending how many times it changes hands and at what value. I point out also that this charge is a percentage charge on the finished price of the vehicle, after everyone else has added something to it. After it has passed through the hands of the wholesalers and the retailers, when it comes to the final figure for putting the car on the road, then is added this extra tax.

It is a new level of tax because it has introduced a new category for motor vehicles costing over $3 000. In the last six to nine months we have reached the position where it is difficult to find a new vehicle costing under $3 000. Indeed, it is difficult to get even a modest automatic vehicle, which is considered virtually standard these days, under $4 000, let alone $3 000. Under the new category, the charge for a vehicle costing more than $3 000 will be $60 plus $4 for each $100 or part thereof above that. This compares with the old charge of $30 plus $2·50 for each $100 above $2 000. This means that, for a vehicle costing $3 500 (and I suggest it would be difficult to find at that price a new vehicle that would be suitable for the average family), the old charge was $67·50 and the new charge will be $120, which is almost double the old figure.

The extra $120 that must be added to the cost of purchasing a motor vehicle, insuring it (the stamp duty on insurance has also been increased) and registering it could well be the last straw that breaks the camel's back. I believe that many people are becoming financially embarrassed and are reluctant to take on these extra charges. Of course, if a vehicle is bought under hire-purchase, one also has the additional problem of high interest rates.

Had the Government set out deliberately to ruin the South Australian motor vehicle industry, it could not have gone about it in a more efficient way than what it has done in the last six months in relation to increased motor vehicle prices. On a vehicle costing $4 000 (which, with today's prices, is probably about the average price for a small to medium car), the stamp duty payable at present is $80, whereas under the new proposals it will be $140. That is a tremendously steep increase. These are only part of the troubles. The Government is indeed quick to introduce these added charges, expecting a deficit. It is interesting to note that, in his second reading explanation, the Chief Secretary said:

. . . prudent Treasury practice requires one to take a conservative rather than an optimistic view. However, in the case of conveyances the tax base that has been adopted is above that which would be built up by taking the level of activity for the months of August and September. In constructing this base, it is assumed that, with the increase of funds to ease bank liquidity generally and with action taken to permit greater lending by savings banks and with the release of additional housing agreement moneys in this area, there will be a build-up from the present level of volume and value of instruments submitted for stamping. Notwithstanding that, in this regard, I believe an optimistic rather than a conservative view has been taken.

So, in one sentence it is stated that we should have a conservative rather than an optimistic view, and in the next sentence an optimistic rather than a conservative view has been taken. I suggest that, if the Government and the Treasury want to be conservative, there is nothing more likely to make the Treasurer conservative than for him to have his Treasury funds going downhill. This has the same effect on a private citizen: when his money is running out more quickly than he can earn it, he will be more conservative in his spending. We have been told of the need to increase revenue because the expected revenue will not meet expected expenditure, but we hear no practical suggestions about ways of making expenditure match revenue. Even now future changes are predicted. In recent years South Australia has seen passed by the Parliament a spate of consumer protection legislation covering many fields, as well as protection of the environment, and planning and development. The many committees that have been established have themselves had a frustrating effect on the development of the State, and now the planners themselves believe that they have been wrong in some of their estimates.

One estimate now being questioned concerns future population growth. Because of a decline in Australia's immigration programme, because of a drift of people from South Australia to other States and because of the new trend in the community towards smaller families, especially in families with a working mother, we could find the population of the 1980's, 1990's and even the year 2000 to be much lower than what has been allowed for. Adelaide might not expand at the rate that has been foreseen by the planners, and South Australia could eventually be in a

position where it has no population growth at all. Moreover, new social attitudes towards marriage could affect the position, because we find increasing acceptance of couples living together without the benefit of marriage, and without having children.

It is now accepted that the population predictions for South Australia from 1974 to the end of the century have involved an over-estimation of the actual position. Such a development will have a great impact on the provision of services. We must ensure that we are not over-extending ourselves in providing services in areas where they may not be required. I now refer to the many conflicting statements coming from the Government, although the statements change from day to day. I agree with the Leader, who said that Government press secretaries and all the people employed by the Government to feed statements and propaganda to the media merely create a loss of confidence in the business community as a result of the many conflicting views that are made public.

Whatever is involved in such public statements (the raising of tariffs, providing additional funds for building, and other measures that have been announced, including a slight decrease in personal income tax and company tax at Commonwealth level), it is clear that none of these measures will have any great effect until the public, especially the private enterprise section and the purchasing section, regain confidence and can see some way ahead for planning. They will have to be able to see that the conditions prevailing today and the conditions prevailing next week are likely to prevail next year. In this period of uncertainty people will not invest heavily and they will not commit their finances unduly; further, business will not work with confidence until Governments learn to make their own financial affairs balance and ensure that the path ahead is clear, so that there can be sensible planning. While we have mini Budgets and mini mini Budgets I cannot see this State going ahead as it should. I agree with the Hon. Mr. DeGaris that the increases in stamp duties on conveyances are unwarranted and unduly restrictive on an important section of the community. I regret the increases in other areas, but I realise that the Government has been elected by the people and, while the people are willing to do that, it is the Government's responsibility to manage the financial affairs of the State.

The Hon. J. C. BURDETT (Southern): I support the second reading of the Bill. It is simply a taxation Bill, and there is nothing complicated about its terms. The question is whether all of the imposts that it provides for are necessary, reasonable and balanced. There is no doubt, of course, that the Government is short of money. Most honourable members on this side of the Council, in speaking to the Appropriation Bill, suggested areas of expenditure where the Government could cut down. However, I admit that, largely through the ineptitude of the Commonwealth Government, the Government of this State is sadly lacking in finance.

I accept most of the provisions in this Bill as being legitimate ways of raising additional revenue. However, the greatly increased rates of stamp duties on conveyances seem to impose an unfair burden on those people who happen to purchase land. The Hon. Mr. DeGaris has pointed out that the new rates of stamp duties on transfers of land will be greatly in excess of rates elsewhere in Australia. I do not mean that in all cases we should be unduly influenced by the legislation of other States, nor do I mean that this State should shrink from taking a lead where that is called for, but this is hardly a field where we should be proud to be the leader. In matters such as the rates of stamp duties on conveyances we should expect some measure of *de facto* uniformity. The increases sought are out of all proportion to the rates prevailing in other States.

The substantial increases in rates apply to transfers where the subject land could well be occupied by a suburban dwellinghouse. Under the Bill, a transfer valued at $30 000 would attract stamp duties of $650. In view of the current inflated values, we can expect young people and people of modest means to purchase houses of about that value. I support the rest of the Bill, but I find the increases in rates of stamp duties on conveyances unreasonable and unjustifiable and not in balance with the rest of the State's taxation system, and I will oppose the clause dealing with those increases.

True, the Government has recently not received the amount that it previously received from stamp duties, because of the current down-turn in the economy caused by the disastrous economic policies of the State and Commonwealth Governments. However, an up-turn in the economy will occur. A Commonwealth or State election, or both, may be necessary first, but it will happen and, when it does, the number and value of land transfers will return to the old norm and will, in fact, exceed it because of inflation. The revenue from this source will then increase, whether the rates are increased or not. There would be an enormous and unwarranted increase in revenue from this source when the up-turn occurred if this Bill was passed in its present form. The clause to which I have referred is not necessary, and I will vote against it. I support the second reading of the Bill.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, a money Bill. The powers of this Council are perhaps a little more limited in connection with money Bills. I want to associate myself with the remarks of other speakers in the debate and express my grave concern at the steep increases in rates of stamp duties on conveyances. The rates are being hoisted to unreasonable levels, particularly on properties valued between $30 000 and $50 000. A young married couple would look for a house valued at about $30 000.

It is unfortunate that the sad state of our revenue in this State compels the Treasurer to turn to this method of raising extra taxation. It is a very difficult task these days for any young married couple to finance their own house up to $30 000. First, it is not easy to get a loan above $15 000 at anything like a reasonable rate of interest. True, the Australian Government has introduced a tax remission scheme for interest on home loans but, if it had not done that, nothing at all would have occurred in the housing sector to lift the economy. As far as I know, although the Australian Government is ensuring that extra money is available for finance through the banking institutions, there has been no indication whatever that there has been any lowering of interest rates, which are altogether too high for young couples. The increased rates of stamp duties in this connection seem to be quite unwarranted.

I am not objecting to the new imposition of stamp duties on the discharge of an instrument. The modest sum of $4 provided in the Bill, although an entirely new departure, is not nearly as bad as is the steep increase in rates of stamp duties on the actual conveyances. Frankly, I would not have minded the stamp duties on the discharge of an instrument being increased to a slightly greater extent if, by that means, it might have been possible to keep the rates of stamp duties on conveyances, particularly on amounts up to $30 000, close to their present limits. I support the second

reading of the Bill, which is clearly a Committee Bill. We will have to consider it point by point in Committee. However, I register my protest that the Government has had to stoop to the heavy impost to which I have referred, because it will affect young married people very much.

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

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1923.)

The Hon. R. C. DeGARIS (Leader of the Opposition): According to the second reading explanation, the main purpose of the Bill is to overcome difficulties in determining liability for land tax. Section 31 of the principal Act attempts to define "taxpayer", and sections 4 and 32 have some relation to it, where an attempt is made to define the word "owner". The Crown Solicitor has advised the Government that the registered owner of the fee simple of land could dispute his liability for land tax if he could show that he had sold or contracted to sell any one of his properties before the date on which the tax was calculated, even though no transfer of the land from his ownership had been registered at the Lands Titles Office and no advice of transfer had been given to the commission, as required by regulation.

The change to overcome this difficulty as seen by the Crown Solicitor is outlined in the second reading explanation: it is to include the definition of "owner" in section 4 of the principal Act, in that definition combining the definitions at present existing in sections 4 and 31. The Bill then amends sections 31 and 32 to look at the question of the ownership of land and who shall be the taxpayer, and to require, first, that the owner of land shall be liable to tax (section 31), and then an addition is made in section 32 giving the power to the Commissioner to recognise any change in ownership of the land where change of ownership has not been notified.

I looked at this Bill very closely. I have had no representations from any member of the public on this question. If the position is as I think it is and as the Minister has stated, the amendment does clarify the point raised by the Crown Solicitor. The Bill contains other amendments dealing with metric conversions, and I do not think there is any need for me to touch on those. The only thing I am not quite sure about is whether any injustice may ensue from the Bill. Although I have given the matter much consideration, I am not quite sure of this, but at this stage I intend to support the second reading. I hope that the debate will be adjourned until Tuesday next, and I shall listen to the statements of honourable members who may have more knowledge of the question than I have. I cannot see where any injustice may occur, but I draw the matter to the attention of honourable members, asking them to examine it and to say whether they know of any cases where an injustice may occur with the new definition. I support the second reading.

The Hon. C. M. HILL (Central No. 2): I agree with the Hon. Mr. DeGaris in his explanation of the Bill and the statements he has made. The need for some clarification within the Act to satisfy the doubt raised by the Crown Solicitor is quite well understood, when one reads the Minister's explanation and peruses the Bill. However, I am somewhat in doubt about some aspects of the measure. I have one query especially that I should like to refer to the Minister, and I respectfully ask that he look closely at it before the final stages of the Bill are reached. The matter deals, first, with the alteration of the definition of "owner". In his explanation the Minister said:

By definition, the word "owner" is extended to include any person entitled to purchase or acquire the fee simple.

It is quite clear that this definition is simply extended to a person who intends either to acquire or purchase the fee simple (or the freehold, as it is commonly called), so it is extended to cover any person who is entitled to purchase that fee simple. That latter circumstance could well arise under an agreement of option to purchase.

However, when I look at clause 2 and closely peruse the new definition of "owner" that is to be inserted, I believe it is so wide that it covers the situation of a tenant who does not necessarily have any option to purchase. I refer specifically to the new definition, and I think one could take words from it and thereby compile a description of a tenant. The definition could be interpreted as follows:

"Owner" includes in relation to land any person who holds an estate or interest in the land entitling him to possession of the land.

Surely that would refer to a tenant. I may be wrong in my interpretation, but I should like the Minister's explanation before I will be fully satisfied one way or the other. According to his explanation in introducing the Bill, I do not think he intended that a tenant should be classified as an owner under the Land Tax Act.

I think this amendment to the Act would draw tenants into and within the new definition of "owner". This would mean, of course, that a tenant could be responsible for the payment of land tax when that has never been a responsibility intended or implied in any way in most tenancy agreements.

I ask the Minister to look at this matter to see whether or not some further alteration should be made in the Bill to ensure that tenants do not unwittingly fall within the definition of "owner". This is my principal concern regarding the measure.

In relation to the principle that the Minister is endeavouring to write into the Act, I think it is quite proper that the position should be made abundantly clear. Notices to departments of change of ownership have now become an accepted procedure, and this would simply bring this department and the responsibility for payment of land tax into that same category of responsibility. In general, I support the measure, but await further explanation from the Minister of the serious point I have raised.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

APIARIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1924.)

The Hon. M. B. DAWKINS (Midland): I rise to support this Bill with some qualifications, which I will mention as I proceed with my speech. The Minister said:

It is designed to give effect to certain reciprocal arrangements agreed upon by the States and to clarify several matters relating to the keeping of bees for the production and sale of honey.

If that is the main reason for the Bill, it is a laudable object. I have never been in favour of uniformity for uniformity's sake but, having looked at the Bill and read the Minister's second reading explanation, I see there is much to be said for some uniformity, particularly with regard to clause 11, which concerns branding, and there is some reason for reciprocity when hives are taken from one State to another, particularly in areas where beekeepers are adjacent to adjoining States. Therefore, I support the Bill generally.

I have been told that some members of the industry were not informed of this Bill and are not happy about it. We have heard from honourable members who have preceded me in this debate some remarks to this effect. I know some correspondence has been received on the matter. The Minister has been rather prone to say "the industry has been consulted and is happy about the Bill" but, to be fair, I must admit that he did not say it on this occasion; but, speaking generally about what we may call sectional primary industries, it would be wise if representatives of those people could be present when legislation affecting them was going through the Council and if they could be informed of when it was to come before Parliament for debate. Bills such as this one and the one we dealt with recently in connection with swine compensation are non-political, in the Party-political sense. They may be described as rurally political, in that they do deal with matters of doing this or that for a certain industry which may or may not be happy about it.

In the case of the recent legislation before this Council, amending the Swine Compensation Act, it would have been wise if members of that industry had been present when that Bill was going through the Council, as I believe it would be wise for members of the beekeeping industry to be present now, because it is always a considerable advantage if we have within reach a person who is or has been engaged in the profession being discussed. Since the retirement of Mr. J. R. Ferguson, the former member for Goyder in another place, we have not had a person in the Parliament, as far as I am aware, who would be regarded as a pig breeder, in the professional sense, other than possibly the odd person who keeps a few pigs in the backyard.

Neither, since the retirement of Mr. Les Harding, who was some years ago the member for Victoria in another place, have we had a person engaged in beekeeping as a principal pursuit. Therefore, we work on legislation such as this to some extent in the dark, in that we have no-one in this Chamber or in another place actively engaged in this pursuit. It would be a great advantage if the Minister in the future could inform these people just when the legislation was to be introduced so that they could have someone here to follow it through. I am aware that in many cases the industry has been consulted (in some cases, three or four months before the actual event) and members of the industry find that possibly for reasons of drafting, crossing some of the t's and dotting some of the i's, the legislation does not appear to them exactly as they would want it; they are confused as a result. The swine compensation legislation to which I have referred and which is now before another place is not completely satisfacory to the people concerned, and the same may apply to this Bill.

I notice that clauses 5 to 9 increase the present penalties, as the Minister has said, from $40 to $200. That may seem to be a steep increase; nevertheless, it is probably not out of character with the present-day inflationary spiral. Although it may be regrettable, on the other hand, if offences are committed, there should no doubt be an adequate maximum penalty in these cases.

The other clause to which I refer is the new provision that provides for the branding of hives; all hives will have to be branded in the future instead of the previous requirement of one hive in 10. With the Hon. Mr. Story, I believe that, if a satisfactory method of branding could be used, that would be desirable, from the point of view of uniformity that the Minister mentioned and also particularly with regard to people working within a reasonable distance of the State boundaries or who may be from time to time going to other States where the branding of all hives is already required, and taking their hives there.

As I have said, I think it would be of great advantage in the future if in these sectional industries representatives could be present and could follow the legislation through more fully. Not only could that be of some help to us, if a certain point arose to which they objected, but also they themselves would be able to understand more clearly (unfortunately, the swine people do not entirely understand at present) the effects and results of the legislation. I support the Bill.

The Hon. T. M. CASEY (Minister of Agriculture): I am pleased that honourable members have referred to the fact that in the debate on this Bill I did not say I had consulted the industry and that the industry was unanimous about wanting it. It would be an understatement if I said that, but I will say that this Bill is, of course, the result of many deliberations at standing committee meetings of Directors of Agriculture and also the Australian conference on apiarists that was held in Canberra some years ago. This Bill is the result of all those deliberations and is similar to legislation enacted by the other States. I checked this morning with Victoria, with Dr. Flynn, and its provisions are almost identical to the provisions in this Bill. I am told its provisions are working very well. As a matter of fact, the Victorian apiarists, according to Dr. Flynn, actually asked for those provisions.

This Bill was drawn up in 1969 by the Hon. Mr. Story when he was Minister of Agriculture. Dr. Smith was the Chief Inspector of Stock at that time. Of course, he did not retire until after 1970 and, for one reason or another, this legislation was temporarily forgotten until it was revived earlier this year, when Dr. Fearn decided that it was the appropriate time for it to be introduced. Minor amendments have been made to the Act, which was drawn up by the former Liberal Government. In this respect, I refer to the provisions relating to the leaf cutter bee, as well as other minor amendments the details of which escape me at present. By and large, however, this is the same legislation as that which should have been introduced in 1970, or even late in 1969. I understand that it was to have been introduced but, because of the pressure to introduce other legislation, it could not be introduced.

The Hon. C. R. Story: I believe it was the pressure of an election.

The Hon. T. M. CASEY: That is possible. Strangely enough, people who are now saying that they do not favour the legislation were all in favour of it previously. It has been brought to my notice that Mr. Stevens, the producer representative on the Australian Honey Board, was then a packers' representative on the board and worked for Southern Farmers. According to the information I received from my department this morning, Mr. Stevens was very much in favour of the legislation at that time. Apparently he has forgotten about that, or perhaps he was wearing a different hat as a packers' representative. He is now a producer representative, which may make some difference. I do not know.

The Hon. C. M. Hill: I am sure it does. He has had five years experience in other work since then.

The Hon. T. M. CASEY: He had many years experience in the honey industry, working for Southern Farmers.

The Hon. C. M. Hill: But as a packer.

The Hon. T. M. CASEY: He was working on the packing line. He also knew apiarists throughout the State, so one cannot use that as a reason or an excuse. The fact

is there are people in the industry who think that this legislation is essential for the betterment of the industry, similar legislation having worked so well in Victoria. I have received only one letter from the amateur apiarists of South Australia. I believe there are people within the South Australian Apiarists Association who are equally in favour of it but who have not told me this in so many words. However, I have it on good authority that this is so.

As the Hon. Mr. Story has said, many sections within the industry cannot see eye to eye. This is one of the biggest problems that the industry has got: it does not speak with one voice, everyone going his own merry way. It is difficult to get unanimity of members throughout South Australia. I do not think there is anything in the Bill that will be detrimental to anyone. It is indeed strange that Victorian apiarists wholeheartedly supported the branding of hives. Indeed, if I were an apiarist who owned a transportable product such as a hive, I think I would be acting foolishly if I did not brand it. The hive is only a small unit and can easily be removed by someone, as has happened many times.

Having asked my departmental officers this morning whether over the years reference had been made to lost hives, I was told that this had happened repeatedly. It is common for hives to be put out at the beginning of the season. Someone has only to see hives being placed in a paddock and, knowing that the owner will not return to the hives for a week or a fortnight, can steal them. Many of these hives are just begging to be taken and, indeed, many are lost in this way.

I have been told that many owners fire brand their hives on the inside in order to trap the unwary person who is foolish enough to steal them. If by a strange coincidence the hives are found, the owner has merely to remove the honey in order to find his fire brand inside. In the interests of the industry generally, and because of the way in which the legislation has worked in Victoria, we would indeed be foolish if we did not insist that everyone branded his hives, although not necessarily with fire brands. I understand, from what my departmental officers have told me, that persons in Victoria are given a choice whether they put on the brand with a stencil, gouge it out with a chisel, or use a fire brand.

The Hon. R. A. Geddes: They are not opposed to using rivets.

The Hon. T. M. CASEY: That is so.

The Hon. C. M. Hill: You favour this right of choice?

The Hon. T. M. CASEY: Yes. I believe this should be done in the interests of those people who want to fire brand their hives. Each hive should be branded, however.

The Hon. M. B. Dawkins: They were given that right of choice?

The Hon. T. M. CASEY: Yes. This is desirable not only from the point of view of owners but also from that of inspectors. It is difficult for inspectors to administer the Act when they must enter an area with 50 or 60 hives in it to see which ones are branded. If all the hives are branded, the inspectors can spot them immediately. This move would therefore be desirable and in the interests of inspectors as well as owners. Apiarists are looking for more inspectors to police their industry and improve it. There is nothing controversial in the Bill. Indeed, we are trying to help the industry, as has happened in Victoria. I commend the Bill to honourable members.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

Later:

Clause 4—"Registration as beekeeper."

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

In new subsection (2), after "registration", to insert ", or renewal of registration,"; to strike out "and subject to subsection (4) of this section" and insert "and shall be accompanied by the prescribed information, and"; and to strike out "shall be accompanied by".

These are all drafting amendments.

Amendments carried.

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

In new subsection (3), after "in respect of" first occurring, to insert "the whole or unexpired portion of".

This provides for a person applying for registration during a three-year period to be registered only for the remainder of that three-year period.

Amendment carried.

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

In new subsection (3), after "in respect of" second occurring, to insert "the whole or unexpired portion of"; after "period" first occurring to strike out "of three years"; and to strike out "expiring upon the expiration of each such period of three years".

These, too, are drafting amendments.

Amendments carried.

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

To strike out new subsection (4).

Now that the other amendments have been carried, this new subsection is no longer applicable.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Prohibition of keeping other than Ligurian bees on Kangaroo Island".

The Hon. T. M. CASEY: The Ligurian bee was imported to Kangaroo Island from Italy many years ago. Apiarists throughout the world recognise that Kangaroo Island is the only place in the world where the pure strain of Ligurian bees can be found, It has been looked upon as a phenomenon. The Ligurian bee is thriving on the island. So, it is important to this State and to apiarists throughout the world that we maintain the Ligurian bee in its present form on Kangaroo Island and prevent the influx on to the island of other types of bee that would be detrimental to the Ligurian strain. So, we have something in this State that will be of immense value to the rest of the world in years to come. I should think that we would have the only pure strain left in the world today.

The Hon. C. R. STORY: I wholeheartedly agree with the Minister about Ligurian bees on Kangaroo Island. Mr. John Masterman, a beekeeper from Undalya, was responsible for this strain; he husbanded it very carefully for a long time. The fact that we have the only pure strain of Ligurian bee in the world results from the efforts of Mr. Masterman in the early days. He camped on the island for months on end under primitive conditions. Can the Minister say whether removing the reference to leaf cutter bees from the legislation will allow them to be imported into Kangaroo Island for seed pollination purposes?

The Hon. T. M. CASEY: I cannot answer that question off the cuff, but I will look into the matter and inform the honourable member.

The Hon. C. R. Story: If we remove any reference to leaf cutter bees from the legislation, I think it will be allowing them to be imported into Kangaroo Island. I do not think they will cross-breed, but I want to be clear on that.

The Hon. T. M. CASEY: If there was any possibility of an amalgamation between the two types of bee, it would not be proper to allow the importation of leaf cutter bees into Kangaroo Island. We want to keep the strain of Ligurian bees in its present form.

The Hon. B. A. CHATTERTON: The leaf cutter bee is not a honey bee, and its habits are completely different from those of the honey bee. Consequently, there would not be any chance of its crossing with the Ligurian bee. So, I do not think there would be any danger at all. It is a completely different genus, and it does not live in a hive.

The Hon. C. R. Story: The leaf cutter bee should not be called a bee.

The Hon. B. A. CHATTERTON: It is a solitary bee.

The Hon. R. A. GEDDES: Section 12 of the principal Act provides:

No person shall bring any bees or cause any bees to be brought into Kangaroo Island.

The Bill clearly spells out what a bee is. Consequently, the Bill, together with section 12 of the principal Act, answers the Hon. Mr. Story's question.

The Hon. F. J. POTTER: Can the Minister tell us what are the unique qualities of the Ligurian bee?

The Hon. T. M. CASEY: The Ligurian bee is one of the best honey producers in the world today; that is why it was imported from Italy a long time ago. The strain was very good. At the time, Kangaroo Island had large areas of natural forest and was therefore an excellent place for these bees. Of course, Backstairs Passage has acted as a barrier to other strains of bee.

Clause passed.

Clauses 9 and 10 passed.

Clause 11—"Hives to be branded."

The Hon. R. A. GEDDES: I move:

In new section 13a to insert the following new subsection:

(3) Nothing in this section shall apply to or in relation to a hive in which bees are kept for the purposes of instruction in any educational institution approved by the Minister for the purposes of subsection (6) of section 5 of this Act.

Should children at an approved education institution wish to keep bees for educational purposes, it will be possible under this provision for the Minister to exempt the hives from the branding provisions if he considers that that would be wise and necessary.

The Hon. T. M. CASEY: I am happy to accept the amendment.

Amendment carried.

The Hon. C. M. HILL: This has been the most controversial clause in the Bill, and I thank the Minister for replying, when he closed the second reading debate, to some of the points raised about the branding of hives. The Minister used, as the basis of his argument for not having contacted the industry about the matter, the fact that the indusry was divided and did not speak with one voice.

I agree with that, and I agree, too, with the Minister that this is a great pity. Nevertheless, there are associations within the industry and they deserve consideration, even though they have not as yet united as we would like to see them unite.

Many genuine members of these associations are continually endeavouring to bring about this state of affairs, but they have not yet been successful. The Minister said that the regulations would provide a choice for hive owners in deciding which brands they would prefer to use, and I am sure the people concerned will appreciate that.

I should like the Minister to say that he will give every possible consideration to representations made to him between now and the time the regulations are brought down from any of the three groups mentioned, and I am including in that the Amateur Beekeepers Society of South Australia. If the Minister is willing to do that, those people will feel that they have been involved, even though they are not as yet a united body. In those circumstances, however, they would be much happier with the general situation than they have been up to now.

The Hon. T. M. CASEY: I do not know whether the honourable member wants me to spell it out, but, as he has asked me a specific question, I will do so. The answer to his question is "Yes", and it always has been that, no matter what section of primary industry the honourable member likes to mention. I have said in this Chamber on many occasions that my door is always open to organisations within the primary industries of this State, and to any person who has anything to do with agriculture, whether or not he is a member of an organisation. Many people have called to see me with problems in the past, and I sincerely hope they will feel free to do so in the future.

Clause as amended passed.

Clause 12—"Regulations."

The Hon. R. A. GEDDES: I move to insert the following new paragraph:

(*aa*) by striking out from paragraph II of subsection (1) the passage "of any hive" and inserting in lieu thereof the passage "as a beekeeper";

This is a drafting amendment.

The Hon. T. M. CASEY: As this is a drafting amendment, I have no objection to it.

Amendment carried; clause as amended passed.

Clause 13 and title passed.

Bill read a third time and passed.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

In Committee.

(Continued from November 13. Page 1939.)

Clause 6—"Basic salary"—which the Hon. F. J. Potter had moved to amend by inserting in new section 5b (5), after "metropolitan area", the words "or electoral districts that lie partly within and partly outside the metropolitan area".

The Hon. F. J. POTTER: I do not think the amendment, which I moved yesterday, is controversial.

The CHAIRMAN: I point out that all the amendments the honourable member has on file must be suggested amendments.

Amendment carried.

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

In new section 5b (5), after " for", to insert "members representing".

Reference to the earlier parts of this new section will show that allowances are fixed for members and not for districts, and that must have been overlooked in this new subsection. This amendment corrects a drafting error and brings the position into line with the rest of the new section.

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(5a) In addition to any other determination that, but for this subsection, the tribunal is otherwise authorised to make, after the commencement of the Parliamentary Salaries and Allowances Act Amendment Act, 1974, and before the election of members of the Legislative Council pursuant to section 14 of the Constitution Act, 1934-1974, that next follows that commencement, the tribunal shall determine an electorate allowance for each member of Parliament

being a member of the Legislative Council on the basis that the electoral district of that member comprises the whole State and such a determination shall, on and from the day that next follows that election, take effect in lieu of the determination in respect of the electorate allowances for each member of the Legislative Council that was in force immediately before that day.

The intention of this subclause is easily understood. It provides for the tribunal to fix electorate allowances on the present districts until the next election, from which date a drastic change will occur and all Council members will represent the whole State, as provided in the Constitution Act. This amendment merely provides that, before that time occurs (it may be next week, next month, or a week before the next election), the tribunal must consider the new situation and fix an allowance on the basis of the new system, and that allowance will apply from the date of the next election. This is an enabling amendment and should be completely non-controversial.

Amendment carried.

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

In new section 5c (1) (*b*) to strike out "holding the office of Chief Secretary" and insert "the Leader of the Government in the Legislative Council".

The purpose of this amendment is to enable the tribunal, when it meets, to fix an additional salary for the Leader of the Government in this Council. The Bill stipulates the office of Chief Secretary, and all honourable members know that as a matter of convention and tradition the person holding that office has been the Leader of the Government in this Council. That has probably been the situation since the beginning of the Council. Members of my Party hope that the Leader of the Government in this Chamber will always be the Chief Secretary, but there is nothing to compel this. It is open to the Government of the day to appoint its Ministers, to give them their titles and to draw them from either House of Parliament. The office of Chief Secretary might at any time be transferred to the other place. I am sure that if my Party were in Government that would not happen. Nevertheless, it is always possible and, as the salary is really for the job of the person being the Leader of the Government, I ask the Committee to accept the amendment.

Amendment carried.

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

In subclause 5d (1), after "additional salary and", to insert "where the tribunal considers it appropriate".

This is merely a drafting amendment.

Amendment carried; clause as amended passed.

Clause 7—"Remuneration of members."

The Hon. F. J. POTTER: After further considering the matter, I do not intend to move the amendment to new section 12 (2) that I had foreshadowed.

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

To strike out new section 12 (2) (*a*) and insert the following new paragraph:

(*a*) In the case of—

(i) Members of the House of Assembly, acting as agents for constituents in their dealings with the Government and with officers of the Government and other persons;
or

(ii) Members of the Legislative Council, acting for his constituents as a member of a House of Review;

I have moved the amendment that the Hon. Mr. Potter originally foreshadowed, because the Government believes it to be a good amendment that covers the situation.

The Hon. R. C. DeGARIS: I understood fully what the Hon. Mr. Potter was trying to achieve in the amendment that he had foreshadowed but, on considering it, I became somewhat disillusioned with the approach. I have had difficulty in understanding the term "agents". It is difficult to define the role of a member of Parliament. Dr. Dean Jaensch recently referred to three aspects of the role of a member of Parliament: first, a member of Parliament is an agent for his constituency; secondly, he is a trustee for his constituency; and, thirdly, he is a delegate from his constituency. Laying down a definition of a member of Parliament should not come within the scope of this Bill.

Surely the tribunal is capable of looking at the question and seeing what the allowances of members should be. In this connection I refer to the Hon. Mr. Whyte, a hard-working member of this Council who covers a tremendous area in his Parliamentary representation. He pays large sums for accommodation in his district, for a telephone in his district, and for travelling. To lay down guidelines for the tribunal is fraught with danger, although I appreciate the work on this Bill done by the Hon. Mr. Potter. Can the Chief Secretary say whether, if a member of Parliament is an agent for his constituents, every constituent should have equal opportunity to be represented by his agent? I should like more information about the Chief Secretary's idea of an agent.

The Hon. A. F. KNEEBONE: Each of my constituents has equal rights of access to me. We have always said, although I do not know whether I have always completely gone along with it, that we are a House of Review. The Leader has often referred to this place as a House of Review.

The Hon. R. C. DeGARIS: We can be a House of Review, and a member can be an agent, a trustee, or a delegate as well. I am referring to the introduction of the term "agent", which may or may not be restrictive; I do not know. This attempt to define a member's role introduces a difficulty that should not exist.

The Hon. M. B. Dawkins: "Representative" would be much better.

The Hon. F. J. POTTER: In many ways the provision is somewhat misconceived. I have not worried unduly about it because, in spite of that, it is rather harmless. It is a matter for the tribunal to decide to what extent a member acts as an agent and what allowance he will get as a result. If we seriously looked at the matter, we might question whether there was any need to have paragraph (*a*) at all in respect of any member of Parliament. I am not aware that this matter has in recent years given any trouble whatever to the tribunal.

Any attempt to effect some differentiation between a member of this Council and a member in another place becomes meaningless, particularly as we may get to the point of saying that a Legislative Council member is acting as a member of the Legislative Council; that is just tautology. Members of each House can present their case to the tribunal in their own way. If in fact the Government does not think we act as agents for constituents in the Legislative Council it could put that contention to the tribunal and we could answer it as we saw fit. We could get ourselves into an absolute bind about this for no reason at all. I should like to see the provision remain as it is.

The Hon. J. C. BURDETT: I add my thanks to those of previous speakers to the Hon. Mr. Potter for the enormous amount of work that he has done in this matter. All members of this Council, including those on the other side, owe him thanks for the work he has done. I understand the feelings of Government members. It has been difficult for all members to try to reach the correct conclusion on this matter. I oppose the amendment because, if it were carried, section 12 (2) of the principal Act would

seem to imply that, in relation to members of the Legislative Council, no regard is to be had to their acting as agents for their constituents in their dealings with the Government and its officers. Whether or not "agent" is the right term, every member of this Council acts as some sort of agent or representative for his constituents in dealing with the Government and its officers. If the amendment were passed it would appear, at least by implication, that no regard should be had to any such work done by a member of the Legislative Council.

The only regard to be had to him in fixing his allowance is his acting for his constituents as a member of a House of Review. Presumably he does this by sitting in the Council and the research he does in that regard, and the amount of actual expense would be very small indeed. While we have frequently referred to this as a House of Review, and while that certainly is one of its major functions, it has an important initiating function and is not merely a House of Review.

I mainly oppose the amendment because it suggests that our allowances should be fixed only by having regard to our acting for our constituents as members of a House of Review, and the actual expense incurred would be small. The Hon. Mr. DeGaris expressed doubts about clause 7. If we look at the matter and at the law of principal and agent (and this is a matter of common English usage as well as the law) we see that one cannot have an agent without having a principal. If we are acting as agents for our constituents, our constituents must be our principals. A principal can instruct and direct an agent. The agent has the right to cease to act, but as long as he remains agent for the principal he must carry out his principal's instructions. We are not obliged to carry out the instructions of our constituents. We represent them, and we do everything in our power for them, but what has been overlooked in the use of the term is that there cannot be an agent without a principal. For the reasons I have mentioned, it seems to me that this amendment does not relate properly to the factors that should be taken into account in fixing the allowances of members of the Legislative Council in acting for their constituents and in the expenses generally that they incur.

Amendment negatived.

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

In subclause (3) after "metropolitan area" to insert "or partly within and partly outside the metropolitan area".

This is really consequential on the first amendment.

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(4) A person who is for the time being Leader of the Opposition in the House of Assembly whose electoral district is outside the metropolitan area shall be entitled to such additional remuneration or allowances as the Tribunal shall determine in respect of his official duties and the Tribunal shall determine such additional remuneration or allowances having regard, where appropriate, and in addition to all other relevant matters, to—

(*a*) any frequent or sustained absences of the Leader from his home by reason of his official duties; and

(*b*) any expenses incurred by the Leader in frequent and regular travelling to and from his electoral district by reason of his official duties.

Again, this is in a way a correcting amendment. In introducing the Bill, the Minister indicated that it was the intention of the Government to place the position of Leader of the Opposition in another place on exactly the same footing in all respects as that of a junior Minister. I commended this move in the second reading debate, but I think it is necessary, to make it completely equal, that this amendment should be carried, because there is provision for a Minister to be allowed certain expenses when he lives outside the metropolitan area. Although we may reach a time when no Minister and no Leader of the Opposition lives outside the metropolitan area, while this position has not been reached we need this additional provision.

Amendment carried; clause as amended passed.

Clause 8 and title passed.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL (HOURS)

Adjourned debate on second reading.

(Continued from November 13. Page 1926.)

The Hon. C. M. HILL (Central No. 2): I support this Bill. I am pleased that the Hon. Mr. Burdett has an amendment to clause 5, which amendment I will support. The only query I have on the measure is that there still seems to be doubt in the minds of some licensed clubs in this State about how clause 9 of the Bill will affect them, if at all. Approaches have been made to me by licensed clubs from metropolitan Adelaide whose members have received a circular from the Licensed Clubs Association of South Australia. Mainly because of that circular, they have been worried about the possible effects of this clause. When the Minister replies to this debate, will he make perfectly clear his view of the effect of clause 9?

The concern that the licensed clubs have expressed is that the terms and conditions of holding their licences may be changed when those licences are renewed. I do not think that is so: I believe that clause 9 applies only to new licences granted after the Bill has become law and comes into force. Nevertheless, there is still doubt in the minds of members of these clubs that on renewal of their licences the conditions under which they may have to purchase liquor will be altered and be far more restrictive than they are at present. If the clause affects only the granting of new licences, I am satisfied with it.

I was impressed by the argument put forward by the Hon. Mr. Story about the position in the country. I accept what he says about the problem of country hotels in this matter, but that is not the point I am dealing with. I am simply asking the Minister whether he will give an assurance, when he replies to this debate, that, if clause 9 passes, the existing licences of clubs, on renewal, will not be affected.

That is an important point to these clubs, as I think all honourable members will agree. Especially because of the circular they have received from the association, they are most concerned. It will be fair and proper if the Minister, in closing the debate, gives his interpretation on that point. If he agrees with what I am saying, I shall be happy to support the Bill.

The Hon. B. A. CHATTERTON (Midland): In supporting this Bill, I speak briefly to two provisions. One is the provision that makes tavern licences easier to obtain. That is a sensible amendment because of the changed situation between hotels and motels in recent years. In the past, the provisions of the Act that made it obligatory for hotels to provide accommodation was sensible but, now that motels primarily supply accommodation, it seems no longer necessary to enforce the provisions on hotels. It is difficult to know exactly how the provision will be implemented. There is always a difficulty before the Licensing Court. I hope that we see the establishment of neighbourhood taverns. One great problem facing us today is that obviously there are great economies in the provision of large hotels in the outer suburban areas.

Exactly the same sort of trend has occurred in other types of retailing business, where we now see the disappearance of the corner grocery shop and the appearance of the very large supermarket. There are obvious economies in these operations. The unfortunate consequence, when one applies the same principle to liquor, is, of course, that people drive to these large hotels, and it frightens me whenever I pass them to see the large car parks provided and how many people drive to these hotels, drink, and then have to drive home afterwards.

We are being somewhat hypocritical if we are trying to enforce a law that one should not drink and drive, and yet encourage the development of new hotels for the drive-in customer. That is why I hope the tavern licence will work, although it is difficult to see how this provision will be implemented. The court can only implement this sort of thing on the applications it receives, but I hope there is an opportunity for the establishment of what I call neighbourhood taverns to which people can walk and in which they can drink or have a meal or some entertainment. It would be a great improvement in road safety if that sort of development took place. The provision of these large establishments, which depend on the large catchment area from which people drive to get to them, is a continual danger.

The other provision of the Bill I wish to mention is that making the auctioning of wine easier. We have seen the development of wine auctions, particularly at McLaren Vale during the bushing festival. These have been difficult to organise under the present provisions of the Licensing Act. It is an important addition, because it is indirectly one of the things mentioned in the report to the South Australian Government on the preservation of family-owned wineries. That report discusses the problems of the small family-owned wineries, and particularly the marketing problem, and the provision of marketing co-operatives as an alternative form of marketing for these small organisations. It came to the conclusion that it would be inappropriate to form these co-operatives because of the administrative and other costs involved. Wine auctions provide an alternative with low administrative costs, and it is interesting to see the developments taking place in Europe, and particularly in Germany, where nearly all winegrowing districts have their auction societies, organisations with very low overheads that run a wine auction every three or four months.

Many of the small winemakers in those areas sell their wines through the auctions, which provide an alternative method of marketing. This would give a group of small wineries the opportunity of putting out a catalogue of wines with sufficient variation and interest to attract customers from all over Australia. They could not do this individually if they were trying to market their wines on their own. A group of wineries is able to do this, and the people at McLaren Vale have proved this with their bushing festival auction. I understand that at present the auction takes place, but then the actual sale must occur at the original winery, which is a cumbersome method. The Bill will make the administration of these auctions more straightforward and easier to organise.

The Hon. M. B. DAWKINS (Midland): I support the second reading of the Bill. I am pleased that the Hon. Mr. Burdett has an amendment to clause 5, which should clear up a situation that could have been unfair in some circumstances. I shall support that amendment. In his second reading explanation, the Minister said:

Clauses 1 and 2 are formal. Clause 3 amends the trading hours for the holder of a full publican's licence. He is permitted to trade on a Monday, Tuesday, Wednesday, or Thursday between 5 o'clock in the morning and 10 o'clock in the evening. On a Friday or Saturday a publican is permitted by the amendments to trade between 5 o'clock in the morning and 12 o'clock midnight.

I want merely to place on record that I do not consider the intention to increase trading hours from the normal closing time of 10 p.m. to midnight on Fridays and Saturdays to be a good one, and I will not be able to support clause 3 for that reason. I agree with the Hon. Mr. Chatterton (I am not able to do so often, but I am pleased to do so when I can) when he said that we urge people not to drive when they drink, yet we are inclined to provide large parking areas that encourage persons who have consumed liquor to drive. This is to be deplored and may contribute to the problem that we were discussing yesterday: the carnage on our roads. With the exception of clause 3, which I will have to oppose, I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PRIVACY BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1937.)

The Hon. JESSIE COOPER (Central No. 2): I rise to speak on the subject of this Bill as something of great urgency. I speak with great regret, because, having waited for some action in respect of privacy and the rights of the people, I find before me a Bill that is so wide and so non-specific in its detail that I can only compare it with a jelly fish, the true shape of which is hard to discern, though it is obviously a spineless blob, presumably having a mouth but with no evidence of teeth. What is clear is that the Bill has so many shortcomings that it would be dangerous to place it on the Statute Book in its present form.

Those honourable members who have studied the Younger and Morison reports and read other articles on various aspects of privacy and its abuse (and who has not done so, thanks to the so-called free week that came our way because of the cancellation of the Constitutional Convention) would realise that it is universally recognised by all the committees assigned the task of inquiring into this matter that there has been sufficient talk and that action is needed now by legislation if people's privacy is to be protected.

I regret that there has been a constant retreat by legislators from facing the problem and taking the necessary action. Delay in any matter enables the dragon, which has to be faced, to become so strong and so large that it may become impossible to find a St. George mighty enough or armed well enough to reverse some of the evil it perpetrates.

One of the obstacles that we, as legislators, are up against is the tendency to draft Bills that are all-encompassing, to frame Bills containing a whole lot of "principles to be observed", but failing to deal significantly with specific practices. Because of lack of knowledge, ignorance, indifference, lack of time and research and, in some cases, just sheer laziness, Bills that rely on the declaration of general principles rather than the prohibition of specific acts are being produced more frequently. This is a practice that can damn a Bill in the first instance, as now, because it becomes clear that no man will be able to obtain his rights until the courts have been consulted at length and lawyers asked to decide what are reasonable interpretations of the rather loose terms provided in the Act.

This almost impossible and undesirable state is produced by a common antipathy to specify behaviour that will or will not be tolerated by the law at the stage of its inception. By this, I mean that it is better to attack the type of problem with which we are faced by making, clearly and precisely, a few specific prohibitions for the protection of privacy rather than by trying to produce a whole world-wide coverage in principle by using a mass of verbiage that cannot be easily interpreted.

I suggest that perhaps in the first instance we should be looking at a small Bill, specifically prohibiting, or providing protection against, a few current well understood objectionable practices. Let us start from that point. Let us keep awake and proceed to give, step by step as is necessary, to the people of our 20th century social structure protection in their struggle with an ever-changing technology, which inevitably brings with it the subjugation of the individual.

Although I accept the fact that some aspects of privacy are covered by common law, I believe that legislation in this field is urgently needed. Common law is not automatically adapted to dealing with day-to-day alterations in the use and misuse of modern technical facilities. We have been told that common law has been operating in some fields for hundreds of years and has still not reached perfection. True, this is the very nature of things: *rerum natura*, to coin a phrase. Common law should be a living law; it adapts to its time, because it applies to an ever-changing environment and to ever-changing circumstances. So, in respect of any matter to which it applies, it has changed constantly to reach its present state of perfection, and it may therefore be presumed to be a living thing that will continue to change. For the reasons I have given, I say with reluctance that I cannot support this Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM BILL

(Second reading debate adjourned on November 13. Page 1939.)

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Progress reported; Committee to sit again.

FOOTBALL PARK (RATES AND TAXES EXEMPTION) BILL

Adjourned debate on second reading.

(Adjourned from November 13. Page 1935.)

The Hon. A. M. WHYTE (Northern): I rise to speak to this short but quite self-explanatory Bill, which grants certain exemptions to the South Australian National Football League in respect of Football Park. I can understand the need to make exemptions for this complex, which is the Mecca of football, the ultimate as a playing field, and I understand that people generally believe the facilities to be excellent. Although further facilities have yet to be completed, it is a wonderful complex. The Government itself has contributed, and I commend it for having assisted with the establishment of this park. I agree wholeheartedly with the concept that exemptions should be granted at this stage to allow the park to develop to the point to which the general public and the football league would wish.

However, it seems that there is a slight anomaly in that this is the only sporting complex entitled to this splendid exemption. I should like to see the exemption broadened to take in many other facets of sport and other playing areas. It would be a great fillip to other sports in South Australia if exemptions were granted to them. In his remarks yesterday, the Hon. Mr. Hill mentioned an increase from, I think, $3 000 to $25 000 in one year in the land tax assessment of a golf course. This type of imposition cannot be tolerated or borne by many playing areas. Surely, this is something in which we should take a pride and something we should try to encourage. As I say, this exemption is well worth while, and I have no hesitation in supporting its concept and implementation.

The Bill exempts Football Park from taxes imposed under the Land Tax Act and makes certain provisions for exemption from water and sewerage rates, a very helpful exemption, but it does set a precedent when it reaches the point of an exemption for 198 years. I should have thought it could be reviewed in, perhaps, five years or 10 years, but a limit should be placed on it. It seems wrong when we recall that about $25 000 in land tax is levied on a golf course; I think the South Australian Jockey Club last year paid $25 000 in rates and this year it expects to pay $27 000. The Port Adelaide Racing Club pays about $20 000.

The value of this complex at present is about $3 000 000, and that, of course, will increase considerably as the complex is finished and reaches full fruition. Even if the value did not increase and the value of the exemption was only $30 000, that would amount to a large sum within five years. It must make other sporting bodies envious. I know that politicians particularly and the public generally never like to tackle anything to do with football, because it is such a big area to tackle and so many votes can easily be lost. For no other reason than this, this extended period of 198 years has been granted. Apart from that, I have no objection to the Bill, but I believe the period of review should be shorter and some consideration should be given to extending the same privileges and exemptions to other sporting bodies in the State. When I say "the same exemptions", I speak more specifically of land tax than I do of water rates and sewer rates. Although I believe this Bill should be amended to make the period of operation shorter than is provided for, I support the Bill.

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

BUILDERS LICENSING ACT AMENDMENT BILL

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

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

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

ROAD TRAFFIC ACT AMENDMENT BILL (RULES)

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

MOTOR VEHICLES ACT AMENDMENT BILL (POINTS DEMERIT)

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

ADJOURNMENT

At 4.53 p.m. the Council adjourned until Tuesday, November 19, at 2.15 p.m.