LEGISLATIVE COUNCIL

Tuesday, October 7, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

COIN COLLECTION

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. R. C. DeGARIS: There has been considerable publicity in the press recently regarding the sale from the Art Gallery of a collection known as the Heuzenroder collection, about which several allegations have been made through the press. Will the Chief Secretary seek from the Premier full information on the sale of the coins in the Heuzenroder collection?

The Hon. D. H. L. BANFIELD: I will obtain a report for the honourable member.

DECEASED ESTATES

The Hon. J. C. BURDETT: I seek leave to make a statement before asking a question of the Minister of Health, representing the Treasurer.

Leave granted.

The Hon. J. C. BURDETT: My question relates to the sum of money held in South Australian savings bank accounts that may, at present in deceased estates, be uplifted without formal administration of the estate, that is, letters of administration or probate having to be sought. At present, this figure is $1 200. If in an estate there is $1 200 or less in a savings bank account, that money may be uplifted by the next of kin without formal administration being sought. This figure was fixed in 1958 and, as a result of inflation, pensioners and others are now accumulating somewhat more savings than they have perhaps accumulated previously.

The Hon. N. K. Foster: That's because of the Labor Government.

The Hon. J. C. BURDETT: Well, that may be so. One finds estates in which there is no asset except a savings bank account requiring formal administration, and the figure may be $1 250, $1 500, $2 000 or $2 500. For this reason only, formal administration must be taken out. Letters of administration or probate must be extracted when the only asset requiring administration is a savings bank account in which there is $1 250, $1 500, $2 000, or $2 500. It seems to me that, in the present situation, this is oppressive. There is one thing that it does do: it provides an extra income for the legal profession. However, that profession is more concerned about the welfare of the community than it is about its own income. Will the Government consider raising the amount to be found in the Savings Bank of South Australia Act and in other places below which money in a savings account can be uplifted without formal administration having to be obtained?

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

FRUIT FLY

The Hon. C. M. HILL: The Auditor-General's Report states that $549 202 was spent in 1974-75 on attempts to eradicate fruit fly in this State. I query whether the methods used by the Government are the most economic and up to date. For example, I have been told that in Hawaii predators of such pests have been developed. Further, I believe that research is well advanced in other States to cope more effectively and cheaply with the problem. Does the Minister of Agriculture intend introducing more modern methods in the future, thereby enabling South Australia to benefit from any technological advances in the eradication of fruit fly?

The Hon. B. A. CHATTERTON: Over the years the methods used in the eradication of fruit fly in South Australia have changed, and we believe that at present they are the most up-to-date methods available. Of course, we keep the situation constantly under review, because improvements in methods, particularly in the biological control of insect pests, are developing rapidly throughout the world. We will keep the fruit fly situation under review and, if methods are available for controlling the pests using biological methods and if these prove acceptable from the viewpoints of health and costs, we will certainly use them. It is difficult to compare the situation in other parts of the world, where there are different climates and different species of insect. It is therefore not easy to translate methods of control, used perhaps in Hawaii and Florida and similar places, automatically to the South Australian environment. We are constantly looking at the matter and, if changes in methods are necessary, we will make such changes.

GOVERNMENT DEPARTMENTS

The Hon. D. H. LAIDLAW: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. D. H. LAIDLAW: Mr. Graham Inns, the Chairman of the Public Service Board, was reported in last Friday's *Advertiser* as saying that the Public Service was not in business just to soak up unemployment. There are now 42 Government departments, and Mr. Inns would like to see the number reduced to about 30 before the end of 1976. The efforts now being made by the Labor Government and the Public Service Board to streamline the cumbersome organisation and, hopefully, improve the efficiency of the Public Service must surely be commended.

When the Committee of Inquiry into the Public Service issued its report last April, there were 46 separate departments, and Mr. Inns now speaks of 42 departments. If the merger or elimination of departments continues at this rate, now that the Government has built up a full head of steam, the number should be reduced to 30 in little time at all.

The Minister of Agriculture told us last week of the intention to join the Fisheries Department with the Agriculture Department. Will the Chief Secretary name the three or four other separate departments that have been eliminated since last April?

The Hon. D. H. L. BANFIELD: The Government is looking at this position continually, and I shall get a full report on it for the honourable member.

SHEEP SLAUGHTERING

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. J. A. CARNIE: Last Thursday, a letter appeared in the *Advertiser* from a resident of Tumby Bay regarding the Government's scheme to buy drought

affected surplus sheep for 75c each. Part of the letter states:

We have now received our returns and were shocked to learn that of the 200 sheep sent by truck to Port Lincoln, a distance of only 46 miles, 104 had died before slaughter. These sheep were not in good condition when they left the farm but they weren't ready to die, either. The questions we would like answered are: How much time elapsed before the sheep were slaughtered, and how were they treated meanwhile? Were they given feed and water, or did they starve to death with too many huddled in the pens?

Has the Minister received a report on this matter; if so, are the facts as stated? If the Minister has not received such a report, will he obtain one and, if the facts are as stated, will he do what he can to prevent a recurrence?

The Hon. B. A. CHATTERTON: A similar question was asked in another place last week and a report was given. I shall obtain the report for the honourable member.

CATTLE PRICES

The Hon. F. T. BLEVINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. F. T. BLEVINS: I asked a question of the Minister on September 9 in relation to the percentage of each dollar spent by the housewife which went to various people involved in the meat trade: the producer, killing charges, the wholesaler, and the retailer. The Minister replied on September 30, and in that reply indicated that the percentage of the consumer dollar received by the producer had been reduced by 33⅓ per cent, that the percentage of the consumer dollar for killing charges had increased by 50 per cent, and that the retailer's share also had increased by 50 per cent. However, the wholesaler had had an increase of 250 per cent in his share of the housewife's dollar spent on beef. Can the Minister give any information as to why the wholesaler has received such an alarming increase in his percentage of the housewife's dollar?

The Hon. B. A. CHATTERTON: Off-hand, I have no explanation of why this should have happened, but I shall endeavour to get the reply for the honourable member and bring down a report.

FRUIT AND VEGETABLE SALES

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of September 16 regarding the sale of fruit and vegetables at roadside stalls?

The Hon. B. A. CHATTERTON: The Government has no authority over the setting up of roadside fruit and vegetable stalls, although officers of the Agriculture Department inspect the produce sold from such stalls to ensure that it complies with the requirements of the Fruit and Vegetables (Grading) Regulations. Produce sold by the more permanent stalls, and particularly those operated by growers or packing shed owners who have adequate cool storage facilities, is of a good standard, but poorer quality items are often sold by people who set up a temporary stall or sell from a lorry for a few hours and then move elsewhere. Generally speaking, however, the quality of produce sold at roadside stalls is inferior to that presented by supermarkets and the better class of greengrocers. In the circumstances there appear to be few opportunities for expansion of the roadside trade in good quality fruit and vegetables, but I shall bear the honourable member's suggestion in mind for future reference.

TRADE UNIONISM

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. A. M. WHYTE: On September 20 an article appeared in the *Advertiser* stating that trade unionism should be taught as a subject at all levels of education. This had been decided at the Australian Council of Trade Unions Congress held on the previous day. The report states:

Delegates at the final day of the congress adopted this principle in an amendment to the A.C.T.U. executive's recommended policy on education. The amendment says that unions at State and Federal level should focus greater attention on trade unionism as a subject at all levels of education.

Are there any details available of what form a lesson in trade unionism would take; what would be the qualifications necessary for a teacher of this subject; and what part of the present school curriculum would be cut to include the proposed classes?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Education and bring down a reply.

LEVELS FOOTWAY

The Hon. C. W. CREEDON: I asked a question on September 16 in relation to the Levels footway. Has the Minister of Agriculture a reply to the question?

The Hon. B. A. CHATTERTON: The Minister of Education informs me that the South Australian Institute of Technology has made submissions to the South Australian Board of Advanced Education for approval to construct a footway between Greenfields railway station and The Levels campus of the institute. In seeking funds for the project from the Commission on Advanced Education the board was informed that the commission is only empowered to approve expenditure of funds under the States Grants (Advanced Education) Act, 1972-75, for improvements on land owned by, or on long-term lease to, the colleges of advanced education; and negotiations with the owners to secure a suitable lease on the land through which the proposed footway would pass have not been successful.

TRANSLATIONS

The Hon. C. J. SUMNER: On September 10, I asked a question of the Minister of Agriculture, representing the Minister of Education, relating to translations that had been prepared by the Education Department; I understand he has a reply.

The Hon. B. A. CHATTERTON: The Minister of Education has informed me that he did not see the letter dated August 20 referred to by the honourable member because it was addressed to a departmental officer who replied to the writer on September 9. However, the complaint has been checked and, while it is true that there were errors in translation, it appears that, with the exception of one question, the questionnaire was quite intelligible. This is endorsed by the fact that there was a high response to the questionnaire from the Italian parents surveyed, with clearly meaningful answers given. The question which was confusing will not be incorporated in subsequent analyses; and it should be emphasised that the translation was carried out by a teacher who is Italian following an unsuccessful approach for assistance from a member of the Italian Education Movement. The Education Department has not regularly used the services of any

particular group of translators in the past, and the honourable member's attention is drawn to the fact that the Government proposes to establish a translating service to meet the needs of all departments. The checking of translations will be a responsibility of this group when established.

MEAT INDUSTRY BILL

The Hon. C. M. HILL: I seek leave to make an explanation prior to asking questions of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: I refer to the Meat Industry Bill proposed by the Government and about which the Minister kindly circulated some explanations to honourable members last week. Reports in the *Stock Journal* dated October 2, 1975, indicated that the Minister was encountering a rough passage in connection with this matter. The article in that paper was headed "Government has second thoughts on controversial South Australian meat authority". Two paragraphs from the article were as follows:

The South Australian Government's controversial legislation to establish a Meat Industry Authority in South Australia received a setback in Cabinet on Monday and will not gain passage through Parliament in the present session.

Cabinet's decision is seen as a personal setback to the Minister of Agriculture, Mr. Chatterton, who was geared to introduce legislation in the present session of Parliament which rises late next month.

The press comments through Letters to the Editor have been unfavourable, especially those in a letter from a Mr. Linsay Graham from Jamestown. Mr. Graham's concluding paragraph is as follows:

Mr. Chatterton's scheme will undoubtedly result in the closing of many small butcher's shops, increase the price of meat, lower returns to producers and lead to trade union control of all meat handling in South Australia.

As the Minister referred to "parts 2, 3, 4, etc." in his explanation sheet, I assume a Bill has been drafted, so could honourable members be given a copy of that Bill to enable further close examination of this proposed legislation? Secondly, can the Minister say whether this proposed Bill will lead either to reduced costs of meat to the consumer or to increased returns to the producer, or will both these aims be achieved?

The Hon. B. A. CHATTERTON: The background of the situation is that, in the considerable time during which the legislation has been considered, my intention always was to try to keep the industry and the people involved in this area as informed as possible. For that reason, I circulated the summary to which the honourable member has drawn attention, because I think that members of Parliament, when they get queries from industries, should know what is being referred to. That is the explanation of the summary; that is the type of legislation envisaged.

The point made in the *Stock Journal* was that we had had a close look at the administration of this Bill and were concerned that the costs might be greater than were justified in some areas; for those reasons, it would not be possible at this stage to circulate a draft Bill, because that draft Bill might be considerably altered to make the administration of the legislation as economical as possible. The honourable member's other question concerned costs involved in country slaughterhouses. Here, we have one of the most difficult and imponderable problems concerning the value of the health of the community. A purpose of this legislation is to ensure that there are adequate health standards throughout the community. There is no doubt that health standards in certain slaughterhouses are totally inadequate, and the purpose of this type of legislation is to ensure that the slaughterhouses meet certain standards. So far, these health standards have not been prescribed in regulations: that would follow the department's legislative programme. However, that is a cost one must bear if one is to have these higher standards.

My other point in that context is that experience elsewhere has shown that many of the country slaughterhouses are not operating as economically in some cases as the owners think they are. In fact, the purchasing of meat from nearby country abattoirs is often more economical than operating the slaughterhouses as they are at present. This is borne out by the fact that many abattoirs in country areas are able to compete with the killing of meat in slaughterhouses.

The Hon. A. M. WHYTE: I refer to the same article in the *Stock Journal* that the Hon. Mr. Hill referred to, and seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: I take the opportunity to thank the Minister for sending us the summary giving us some indication of what the legislation will contain. In the *Stock Journal* there are two rather conflicting paragraphs. Reference is made to a meeting at which the Minister, together with industry representatives, was present. The first of the two paragraphs states:

It was hinted at the meeting that if the legislation did not become a reality the Department of Public Health was poised to swoop on the hygiene question, the motivating force behind the legislation.

The second paragraph states:

Mr. G. L. Robinson, Assistant Chief Inspector with the Department of Public Health, told the meeting that existing legislation, the Health Act and the complementing Food and Drugs Act, already had ample powers to control the hygiene and sanitation of slaughterhouses.

I say that they are conflicting because it is obvious (and I have always believed this) that the Health Department has the necessary power to make these inspections. Since the whole theme behind this legislation is based on health matters, I ask the Minister what other necessary steps would be required, apart from the Health Department's doing exactly what it already has power to do.

The Hon. B. A. CHATTERTON: The point is that the inspection of stock at the abattoirs has traditionally been the job of veterinary surgeons. This is true of other States and of the Australian Agriculture Department in relation to the inspection of meat for export. That is why this proposal regarding a meat authority was advanced. I think I am correct in saying that this is the only major food item that is presently not being inspected to high hygiene levels. However, there is this difference: it has always been inspected by persons with veterinary training rather than by the normal health inspectors. That is all that the paragraph that the honourable member has mentioned draws attention to. Mr. Robinson made that point. This is another alternative way of achieving the same end.

POLICE PARKING

The Hon. A. M. WHYTE: Has the Chief Secretary a reply to my recent question regarding police parking?

The Hon. D. H. L. BANFIELD: The matter of providing parking space for private vehicles of police officers on duty at Police Headquarters is one that has received much consideration over the years. The major factor inhibiting progress in this matter has been the question of

suitable sites within the vicinity of Police Headquarters. I have been informed that the Public Buildings Department is still trying to locate a suitable site, and once a decision has been made I will notify the Police Association of it.

SPORT GRANTS

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. C. M. HILL: I refer to a brochure called *Leisure Lines* issued by the Minister's department, on page 2 of which is a large portrait of the Minister, below which there is an editorial above the Minister's signature. In that editorial is the sentence:

The South Australian division enjoys—

and he is talking about the division of sport and recreation—

a harmonious relationship with the Australian Department of Tourism and Recreation.

I ask questions regarding tied Commonwealth grants and the extent of freedom that the Commonwealth Government gives to the State in the expenditure of its grants in this area. What form of control is exercised by Canberra over the South Australian division? Is that division given freedom to exercise its own initiatives regarding where, in the area of sport and recreation, it spends its money? Are the grants in the form of tied grants and, finally, have there been any refusals by the Commonwealth Government to allow money to be spent for ventures recommended and wanted by the Minister's department? In short, can the Minister justify his claim in this brochure that a harmonious relationship exists regarding this whole question of Commonwealth grants?

The Hon. T. M. CASEY: I assure the honourable member that there is a harmonious relationship between my department and the corresponding Commonwealth department. I think all Ministers of Recreation and Sport in the other States claim exactly the same thing. Recently, a council meeting of recreation Ministers was held in Adelaide, at which no complaints were made regarding co-operation between the Commonwealth and State Governments. Of course, inevitably the matter arose that not enough money was available, but that is, naturally, the normal talking point at any council meeting. I assure the honourable member that this harmonious relationship will continue to exist as long as I am Minister. Undoubtedly, we would like more money from the Commonwealth Government. The present situation is that any major project that is put forward by this State (and we are not restricted in relation to any major project at which we may be looking) is referred to the Commonwealth authorities and, if they so agree, they contribute accordingly. The normal practice is that the Commonwealth and State Governments, as well as local government (or any other organisation, with the help of local government) each contribute one-third of the cost. Many projects that have been financed along these lines are in the course of construction in this State. I assure the honourable member that the harmonious relationship at present existing is the order of the day, and I certainly hope that this will continue to be the case.

TROTTING CONTROL BOARD

The Hon. R. C. DeGARIS: Has the Minister of Tourism, Recreation and Sport a reply to my recent question regarding the Trotting Control Board?

The Hon. T. M. CASEY: The honourable member is getting carried away with this matter. I point out to him that qualifications for appointment to the Trotting Control Board have been laid down by Parliament and are accordingly no responsibility of the board. Likewise, the Chairmen, secretaries and committeemen of clubs are beyond the board's jurisdiction.

PARLIAMENT HOUSE

The Hon. R. C. DeGARIS: Has the Minister of Lands received from the Minister of Works a reply to my recent question regarding Parliament House?

The Hon. T. M. CASEY: My colleague reports that the stains on the face of Parliament House are believed to be caused by distillate. The Public Buildings Department has been unsuccessful in its efforts to remove the stains, and specialist advice is currently being sought from chemical and masonry experts.

NORTH PARA RIVER POLLUTION

The Hon. C. W. CREEDON: I seek leave to make a statement before asking a question of the Minister of Lands, representing the Minister for the Environment.

Leave granted.

The Hon. C. W. CREEDON: Over the weekend I saw in the *Sunday Mail* a report of pollution in the Gawler River. The North Para River flows into the Gawler River, and wineries have, I believe, been dumping effluent into the North Para River, causing the death of fish; also, an obnoxious odour is coming from the effluent flowing down the river. This matter has been brought to my notice.

The Hon. C. M. Hill: Are you criticising the winemakers?

The Hon. C. W. CREEDON: I am not criticising anyone at present. Will the Minister take action that will bring about a cessation of the dumping of winery effluent into the North Para River? If not, will the Minister say what action can be taken to protect fish life in the river and to obviate the obnoxious odour coming from winery discharge?

The Hon. T. M. CASEY: I will obtain a report for the honourable member.

STUART HIGHWAY

The Hon. C. M. HILL: Has the Minister of Lands a reply from the Minister of Transport to my question about the Stuart Highway?

The Hon. T. M. CASEY: Investigations into the best location of an improved highway between Port Augusta and the Northern Territory border have been completed, and a report will be made soon to both the Government and the Australian Government. The latter authority is committed to improving this route as part of the national highway between Adelaide and Darwin by virtue of a declaration under the Australian National Roads Act, 1974, and has already entered into a contract to complete the sealing of the road south from Alice Springs to the border. No construction is planned for the current financial year within South Australia, but completion of sealing is planned for the next two years of the Port Augusta to Woomera section, which is expected to be part of the selected route for the national highway. The subject of "Uncle Hughie's" highway was discussed at a recent meeting of State and Australian Government officers (a meeting convened in connection with the Stuart Highway planning), and it appeared that the matter had received considerably more publicity in South Australia than elsewhere. The officer from the Australian Transport Department was entirely unaware of the reported actions of the Minister for Defence.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (REGULATIONS)

Read a third time and passed.

RETURNED SERVICEMEN'S BADGES ACT AMENDMENT BILL

Read a third time and passed.

LICENSING ACT AMENDMENT (R.S.L.) BILL

Read a third time and passed.

STATUTES AMENDMENT (GIFT DUTY AND STAMP DUTIES) BILL

Adjourned debate on second reading.

(Continued from October 2. Page 1040.)

The Hon. J. C. BURDETT: I support the second reading of this Bill because I do not suppose it will do any harm for the Bill to be on the Statute Book. The Bill legalises a piece of arrant election propaganda, and the impact is likely to be completely useless. Of course, there is an obvious advantage in spouses being the owners of matrimonial homes as joint tenants or tenants in common. Ironically enough, the Minister's second reading explanation refers only to a joint tenancy: it says nothing whatever about a tenancy in common. A transfer to a tenancy in common is also covered in the Bill, but it was not referred to in the second reading explanation. Because of the greater flexibility of this form of tenure, usually a greater advantage is to be obtained in a transfer to a spouse as a tenant in common than as a joint tenant. The advantage of a husband and wife holding the matrimonial home jointly or in common is, of course, that in the event of the death of one of them, only one-half of the value of the home is included in the estate. So, it is a succession duty advantage. Before the last election the Treasurer told the public that he was giving house-owners this amnesty so that they could get a succession duty advantage, but this is a snare and a delusion, because in many instances the estate of the deceased person will not get the advantage. Section 8 (1) (*o*) of the Succession Duty Act provides:

> Any property, other than gifts to any person not exceeding in aggregate value the sum of four hundred dollars, which after the twenty-seventh day of November, 1919, was disposed of by the deceased person by deed of gift, gift, or otherwise than for full consideration in money or money's worth, whensoever such person died, unless the person taking under the disposition had *bona fide* assumed the beneficial interest and possession of the property one year or more before the death of the deceased person and, during the period of one year or more immediately before the death of the deceased person, retained such beneficial interest and possession to the entire exclusion of the deceased person and without reservation to him of any benefit of whatsoever kind or in any way whatsoever or whether enforceable at law or in equity or not;

What this amounts to in practical terms, and having regard to what is in the Bill, is that if a man gives his wife an interest in the matrimonial home he will still have jointly with his wife the beneficial possession, and his wife will not have retained a beneficial interest to his entire exclusion. It cannot be said that a man enjoys only his interest and has no benefit from his wife's interest; he enjoys the home in which he has given an interest to his wife.

If a man gives his wife an interest in his house and still lives in it at his death, the interest he has given to his wife, as well as his own interest, will be dutiable; from a duty point of view he will have gained nothing. However, there are certain administrative advantages in a joint tenancy which are well known. If a man and his wife own a house or anything else as joint tenants, at his death letters of administration or probate will not have to be extracted simply because of that asset, but by operation of law the property will pass to the wife and the administrative expenses may be less. This depends largely on whether or not he has other assets in respect of which letters of administration or probate may have to be extracted. I suggest that, in the case of most people of any substance at all in these days (and I have spoken previously about money in the savings bank to the extent of $1 200), there are some assets in respect of which letters of administration or probate would have to be extracted. In such cases the fact that the house may be owned under a joint tenancy will give the estate very little advantage. In the case of transfers during the period of the amnesty, legal fees, registration, and federal gift duty (which is not alleviated in any way and cannot be by this Bill) will have to be paid. When a man dies his estate will still have, in most cases, to pay succession duty. This great beneficial election promise will have cost him money and will have saved him nothing.

The Hon. M. B. Cameron: What would be the average cost?

The Hon. J. C. BURDETT: I think it has been assessed at about $800. That is in the case of the average matrimonial home. If a man sells the home before death, some advantage will follow because of the purchase price belonging to him and his wife equally; so he will have got this benefit and on death it will not be taxable. If he gives a half interest in the house to his wife, and if he dies while it still belongs to him, nothing will have been gained, because the half interest of his wife as well as that of himself will be dutiable. If the house is sold in the meantime, this benefit will have been gained, although it does not amount to very much. If he wants to achieve the benefit, if he sells the house and intends to buy another, and half the asset passes to his wife, that can be done without very much trouble, as most people know. If a man sells his house and wants to buy another, he lends half the amount to his wife, and it can be released over a period of years. The usual conveyancing practice at present (and this does not bring into operation section 8 (1) (*o*)), is that if a man wants in effect to make a gift and if he wants to give a benefit, if he gives the matrimonial home to his spouse, to his child, or to anyone else, he does not give it, but sells it by contract at the full value, having first had it valued.

The Hon. N. K. Foster: How much do the legal people get out of all these deals? How much cut do they get? What's your charge? What's your fee?

The Hon. J. C. BURDETT: Now that I can hear myself speak—

The Hon. N. K. Foster: It is the whole estate in some cases.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: Now that I can hear myself speak, let me say that the procedure that can be easily adopted when it is desired to make a disposition between spouses or between parent and child, or whatever is desired, is that it be a sale at full value, the value having first been ascertained by valuation. This avoids the operation of section 8 (1) (*o*), and what is done then is to release the indebtedness, either immediately or in such amounts as will not incur gift duty, whichever is desired by the donee. My inquiries in the profession indicate that this amnesty will not be much used. What will continue to be used is the practice I have just described of the

disposition at full value released either immediately or in instalments. This will not invoke the operation of section 8 (1) (*o*), which dispositions under the amnesty will invoke. If honourable members have read the Bill, they will see that the amnesty applies not to dispositions between spouses for value but only to dispositions by way of gift.

Another factor, the way in which I suppose this amnesty will most operate, is where the husband is the owner of the matrimonial home and wishes to give a half interest to his wife. It may easily occur, although it is usually assumed to the contrary, that the husband, having made the transfer, may not die first. Having incurred the expense, he gets no benefit at all. Quite apart from the effect of the operation of section 8 (1) (*o*), it may be an asset in his wife's estate, and it passes back to him, plus duty. I do not oppose the second reading, but I say that this is a hollow and useless device. It was simply an election gimmick which achieves nothing, but I suppose it will do no harm on the Statute Book, so I do not oppose the second reading.

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

PRE-MIXED CONCRETE CARTERS BILL

Adjourned debate on second reading.

(Continued from October 2. Page 1043.)

The Hon. J. C. BURDETT: I rise to speak to the second reading of this Bill. We are living in a period of galloping inflation, which neither the State nor the Federal Labor Government has done anything to alleviate. I suggest that this Bill is evidence that we are also living in a period of galloping bureaucracy, which the State Labor Government has done everything to exacerbate. The owner-drivers in the pre-mixed concrete industry are to be licensed, according to the Bill. Notwithstanding clause 23, which provides that licences shall not be transferable, will we end up with a traffic in pre-mixed concrete plates similiar to that in taxi-cab plates? Will the system be extended beyond the metropolitan area, although at present in the Bill it is confined to that area? Is the whole of the industry to be ground down and crushed by a system of bureaucratic controls? Who will be next? Will it be the owner-drivers in the ordinary transport field? I suspect that it will. Will it infiltrate into all industry? This Bill is bound, in practice, to produce a closed shop. Is this desirable? The second reading explanation states that this Bill arose out of the industrial dispute which happened during early 1974. It was said that dispute arose mainly from the fact that the number of trucks was increasing to an extent not justified by the needs of the building industry.

I do not think the 1974 dispute was by any means all the fault of management, but to the extent that the excess of owner-driver trucks caused the dispute I think that management has learnt its lesson. Certainly in the period of more than 12 months that has elapsed since early 1974, the problem has not again arisen. We should not introduce this complicated scheme just on the possibility that management in the industry has not learnt its lesson and will make the same mistake again. This form of control is undesirable and should not be introduced unless the same mistake is in fact made again, or unless there is good reason to suppose that the mistake will be made. Who wants control for the sake of control? The indications are that there is no likelihood of the number of owner-driver trucks becoming too great at present. On the contrary, for well over 12 months things have gone along pretty well. If this Bill does pass the second reading stage it will certainly need amendment in Committee. Clause 5 provides:

(1) There shall be a board entitled the "Pre-mixed Concrete Carters Licensing Board".

(2) The board shall consist of three members appointed by the Governor, of whom—

(*a*) one (the Chairman) shall be nominated by the Minister;

(*b*) one shall be a member of the Concrete Manufacturers Association nominated by the Chamber of Commerce and Industry South Australia Incorporated;

and

(*c*) one shall be a member of the Transport Workers Union of Australia (South Australian Branch) nominated by the United Trades and Labor Council.

It is obvious that this board will be union dominated because, of the three members, one is to be appointed by this Government, which is union dominated, one is to be appointed directly by the union, and one only is to be appointed by the management. This board will be manifestly unfair, in the first place, because control will be exercised by the unions. I cannot see any justification for handing over the control of the board, and therefore this section of the industry, to the unions. Secondly, this form of administration would be bound to fail because there would be so much dissension that it could not work. I am unconvinced of the need to subject the industry to this form of bureaucracy. I certainly was not convinced by the very short second reading explanation, which gave no compelling reasons at all. I am willing to listen to the rest of the second reading debate and, having made up my mind at that time, to decide whether or not I will support the second reading.

The Hon. M. B. CAMERON: As the Hon. Mr. Burdett said, this Bill arose out of an industrial dispute in early 1974 concerning the introduction of new trucks into the concrete carting industry. The previous Minister of Labour and Industry adopted this Bill as a solution to that problem in consultation with other people involved in the dispute. In fact, he has stated in letters that it is now Government policy to introduce licensing of concrete-carting trucks. I, like the Hon. Mr. Burdett, just wonder what is going to happen next.

Where does one go with this sort of legislation? Who is next on the list? If we start in the transport field we will move next into commercial transport of all sorts because, if there is an industrial dispute and this is taken as a method of resolving such disputes, it is obvious that this is the next step: every time we have a dispute we will have legislation brought in to cure that dispute in some way and we will set up another board. This board may not meet the requirements of the next dispute (it will be a different industry and a representative of the Concrete Manufacturers Association will not be suitable for the next lot), and we will end up with Bills running out of our ears. We will have legislative diarrhoea in order to cover everything that occurs.

At some stage in this rush of licensing that is occurring in the community we have to call a halt, and I believe this may be the time at least to curb the tendency to set up boards. Even if we pass this legislation, all we shall do is create more problems in the industry. We are handing over complete control of this industry to a board. Most contracts in this industry are awarded by tender. What happens if a person or a company obtains more tenders than an opponent? Having to succeed within the tendering arrangement, how on earth will that company carry out its tenders? It will certainly have to go to its competitors

for additional trucks, and it will do so with the competitor knowing that there is no way that the company can cope with the situation, unless it goes to the board. If the board refuses the company, it is completely in the hands of its competitors for the additional trucks it needs. So, in fact, we will have the board stating that there is excess cartage capacity within the industry and saying, "Therefore, we cannot grant you any new licences; you go and make your arrangements with your competitors." That will be a great system under which to try to operate a competitive industry. It just will not work.

The licences, as I understand the Bill, will be tied to the companies, so there is no way that they can even woo the licences away from their various competitors. It is not possible; they will be completely tied to the industry, as is the case now. All I can see in this legislation is more and more problems. We are putting the heavy hand of Parliament down on a very competitive, and probably reasonably stable, industry. The industry has, as the Hon. Mr. Burdett said, conducted its affairs for more than the 12 months now without problems, and I do not see any reason for us to interfere. I believe that any industry ought to be able to solve its own problems without the Parliament coming in between the warring factions within it. If it cannot, there is something wrong.

Even if we did pass legislation, unless there is goodwill between the parties involved it will not work, because there will be more and more problems. There are other ways of resolving this matter, and I am sure that, if we give the industry the opportunity, it has learnt its lesson. As the Hon. Mr. Burdett said, management will approach this in a different way now if any further problems occur, and I think we have to give it a go and let those concerned see whether they can resolve this difficulty without imposing bureaucracy on the commercial system of this State.

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

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Adjourned debate on second reading.

(Continued from October 1. Page 982.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill, along with several others that have been before the Council and with others yet to come, is in the category of being a double dissolution matter. The fact that a constitutional factor applies in relation to these Bills does not necessarily mean that honourable members are forced to debate them, but each one of us knows in his own mind that he tests the principles with a more critical eye than if the Bill was not in that category. I will support it, even though I do not support wholeheartedly the narrow choice it provides. That I explained fully the last time this legislation was before the Council.

The Bill does two things. First, it applies the provisions of section 110a to Council voting. We know that a number of electors did not vote in the last Council election because section 110a did not apply to Council voting. Section 110a allows a person who has been inadvertently missed on the electoral roll, or who has a legitimate claim to vote but is not on the roll, to vote by an envelope so marked, and then the returning officer examines that person's name to see whether or not he was entitled to vote. If he was, his vote is cast in the ballot box. Under the old system for the Legislative Council we had voluntary voting with voluntary enrolment (unfortunately, a privilege that no longer exists in reality) and, when the situation changed—

The Hon. F. T. Blevins: You insisted on voluntary enrolment being knocked off.

The Hon. R. C. DeGARIS: That is quite true.

The Hon. F. T. Blevins: As long as you admit it.

The Hon. R. C. DeGARIS: The reasons were (if the Hon. Mr. Blevins will wait a moment) quite clear, once we moved to having exactly the same roll as that of the House of Assembly; otherwise, it would have been somewhat foolish, if one examines the matter. In that change, unfortunately section 110a was overlooked and, where the enrolment was voluntary, there was no way in which section 110a would have any application to that situation. Where the enrolment was not voluntary, the position was fairly clear, that the provisions of section 110a should apply. Therefore, on that matter I support strongly the inclusion of section 110a as applying to Council voting.

In the matter of optional preferential voting, I have always agreed that the elector should be given as wide a choice as possible in casting his vote. The voting and electoral systems provide for the maximum number of options being made available to the elector. On March 18 of this year, when I spoke on this matter, I said this:

The voting system should make the voter king and the voting system should interpret his wishes, both individually and collectively, as near as mathematically possible. The voting system, or the electoral system, should allow as little variation as possible of the expressed wish of the electors.

I do not move from that opinion. The elector should be given as many options as possible in the way he casts his vote, but I believe that this step towards widening the choice of the elector in the way he votes does not go far enough, because there are several other options an elector should be given.

I would go further than the Bill and say, for example, that an elector should have the choice, whether or not he votes. There is no reason why an elector should not have that choice if he so desires. All honourable members are well aware of the Australian Labor Party policy in relation to voting matters; it is a policy that believes in first past the post voting.

The Hon. F. T. Blevins: That is not correct.

The Hon. R. C. DeGARIS: Perhaps the honourable member could tell me what is correct.

The Hon. F. T. Blevins: You should do your homework and get up to date.

The Hon. R. C. DeGARIS: Can the honourable member tell me what is the A.L.P. policy on this?

The Hon. F. T. Blevins: You can have a look; I am telling you you're incorrect.

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

The Hon. R. C. DeGARIS: It is the policy of the A.L.P. to support first past the post voting. If it is not, why did that Party introduce a Bill in this Council for Council voting which was first past the post, when only an amendment fought almost to the death with the Government got a partial preferential system included? That Bill, when it first came to this place, was purely and simply a first past the post Bill, but it went further than that: it also destroyed the votes (although the preferences were expressed) of a number of voters, perhaps up to 20 per cent, which could be counted. So, if the Hon. Mr. Blevins says it is not A.L.P. policy to support first past the post voting, why did the Government only two years ago introduce the first past the post system for this Council?

It is obvious that first past the post voting is an archaic, nineteenth century system that should have no place in modern society.

I believe that this Bill, as far as the Government is concerned, is the first step towards achieving its goal of the first past the post voting system in South Australia. As one examines this point of the Government's policy, one sees an intriguing political side issue: it looks as though the Government may achieve the entrenchment of an electoral distribution format that will keep it in office in South Australia for many years with a minority vote.

The Hon. D. H. L. Banfield: Do you think it would be for longer than Playford was in office with a minority vote?

The Hon. R. C. DeGARIS: I deny there was a minority vote as far as the Playford Government was concerned.

The Hon. D. H. L. Banfield: With what percentage of votes did Playford get in?

The Hon. R. C. DeGARIS: If the Chief Secretary wants to look at the vote that Playford had, I assure him that the A.L.P. is governing in another place at present with 46 per cent of the votes.

The Hon. D. H. L. Banfield: But what did Playford get?

The Hon. R. C. DeGARIS: If we are looking at it on a first past the post basis, which the Hon. Mr. Blevins has just denied is A.L.P. policy, the present Government is governing with a 46 per cent vote in another place. Let me take it further.

The Hon. D. H. L. Banfield: What about the vote of the Liberals in the Lower House: what did they get—22 per cent, 26 per cent?

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Let me take the matter further.

The Hon. D. H. L. Banfield: Are you claiming Government?

The Hon. R. C. DeGARIS: If we look at it on a first past the post basis, the Opposition in South Australia, or those who did not support the Government, amounted to 53·7 per cent of the voters in South Australia. If the Chief Secretary wants to deny the first past the post basis, I am ready to accommodate him, because this Government at present, on that basis, is governing with a minority of votes. If one looks at the matter in relation to the preferred vote, which is the only way one can do it, this present Government is governing with a fair 50 per cent of the preferred vote, and the Opposition is in opposition with a fair 50 per cent of the preferred vote. That is the only way in which one can assess this matter. I do not want to go back—

The Hon. D. H. L. Banfield: Is that a combined Opposition vote or not?

The Hon. R. C. DeGARIS: That is a combined preferred vote.

The Hon. D. H. L. Banfield: A combined Opposition vote?

The Hon. R. C. DeGARIS: Yes.

The Hon. D. H. L. Banfield: There are two different policies.

The Hon. R. C. DeGARIS: It does not matter whether there are two or 10 different policies.

The Hon. D. H. L. Banfield: Of course it does.

The Hon. R. C. DeGARIS: If we look at the preferred vote, we find that only once from 1938 to 1962 (and that was 1962) did Playford govern with less than 50 per cent of the preferred vote in South Australia. I have been dragged off the track a little but I will return to the point I was making. If the numerical equality of electors becomes entrenched in the Constitution, a simple exercise in electoral mathematics will explain what I mean. The Liberal Parties would, under such a redistribution, lose six or seven of their country seats, reducing Opposition numbers in the House of Assembly to 16 or 17. These seats would be transferred to the city where, on any reasonable redrawing of the boundaries, the Australian Labor Party would win four or five seats and the Opposition Parties one or two of them. At the best, if the numerical equality rule had applied at the last election, the Opposition would have gained 20 seats and the Government 27 seats. One should bear in mind that the A.L.P. at the last election got 46·3 per cent of the first preference votes, or a bare 50 per cent of preferred votes.

The Hon. D. H. L. Banfield: What do you mean by "bare"?

The Hon. R. C. DeGARIS: It is exactly 50 per cent. If one takes it on the two-Party preferred basis, from 1938 right through until the present time, the South Australian Government and the Opposition each has a bare 50 per cent support. If one wants to look at it on a first past the post basis, 53·7 per cent of the people chose to give the Labor Party their first preference. On a two-Party preferred system, it was 50 per cent support for the Opposition and 50 per cent support for the Government.

The numerical equality rule would have produced 27 seats for the Government and 20 seats for the Opposition. On present indications, it seems as though that Bill will become an entrenched law, permanently entrenching in this State's Constitution a system that, in the next 10 years, cannot produce the so-called mythical one vote one value. The intriguing question is that, with the existing mathematical gerrymander in the Legislative Council voting system, with the Liberal Movement splitting the anti-Labor vote, it is almost certain that the A.L.P. will soon achieve control in this Council with a minority support in South Australia, unless some sense prevails. When that happens, the first past the post voting system will become a reality in South Australia. There is not one honourable member in this Council who will deny what I have said.

The Hon. F. T. Blevins: I'll deny it. That's only in your mind.

The Hon. R. C. DeGARIS: It is not. The Labor Party has always supported the first past the post voting system, and the Bill it introduced previously provided for this. I believe that first past the post voting will become a reality and, because of the existing position, the minor Liberal Party, the Liberal Movement, will have achieved a significant step towards its own annihilation at the polls; with the A.L.P. able, with such a minor vote, to control the House of Assembly on a first past the post voting system, as it did in Queensland for 40 years, it will make democratic elections in this State a laughing stock.

The Hon. Anne Levy: Ever heard of Playford?

The Hon. R. C. DeGARIS: I have already answered that a dozen times. I have told the Council that, if one examines the preferred vote in South Australia from 1938 to 1962, one will find that the only time the preferred vote for the A.L.P. was over 50 per cent was in 1962, when the Labor Party should have governed.

The Hon. D. H. L. Banfield: Tell us how many members you've got in this place on the Playford set-up.

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

The Hon. R. C. DeGARIS: There is a possibility of the events I have traced occurring. Indeed, I will go a

shade further than that and say that there is more than a possibility of their occurring. In this situation, the Liberal Movement would be in a similar position to the Country Party, which was instrumental in ensuring a victory in Goyder District for the Liberal Movement, only then to see its political allies turn that support into support for an electoral philosophy that will effectively deny reasonable representation to the people that the Country Party purports to represent.

The intriguing situation is that, as the Parliament is faced with a political alignment to produce an electoral system that suits the political ends of the A.L.P., the alliance could well spell the end of this system in South Australia, whether optional or not. It may well be considered by some that, as in three or five years time we shall be faced almost with the inevitable position of first past the post voting (because that is almost inevitably the end result of the present political situation), we should take the bull by the horns at present and move to first past the post voting now.

The Hon. J. E. Dunford: Why don't you introduce an amendment then?

The Hon. R. C. DeGARIS: Would the Hon. Mr. Dunford support it?

The Hon. J. E. Dunford: I am not answering.

The Hon. R. C. DeGARIS: I am merely saying that the inevitable result of first past the post voting is the annihilation of all minority Parties, and that will occur soon.

The Hon. J. E. Dunford: You'll support that system?

The Hon. R. C. DeGARIS: That is so, and I have told the honourable member that before. I will do so with a proviso: that the West German system of ensuring majority government is associated with the voting system.

The Hon. D. H. L. Banfield: You've told us before that you are not concerned how others vote. You have said that this is the State that we must consider, and now you want to go to West Germany!

The Hon. R. C. DeGARIS: I do not understand what the Minister of Health is saying.

The Hon. D. H. L. Banfield: You know: when we have referred to other States previously, you've said we are concerned not about them but about South Australia. But now you want to do what West Germany does.

The Hon. R. C. DeGARIS: We are concerned primarily with South Australia, but there is absolutely no reason why we should not study voting systems elsewhere in the world.

The Hon. D. H. L. Banfield: I'll remember that in future.

The Hon. R. C. DeGARIS: I know that the Labor Party wants the English system, but with compulsory voting. That is the system of voting that the A.L.P. would support. I, along with other members of the Liberal Party, oppose the concept of first past the post voting. It is almost as archaic as the slavish adherence to single member electoral systems, if one is speaking purely in terms of representation in vote value. I believe that we are faced with first past the post voting, whether we like it or not, and the reason for first past the post voting, and the annihilation of all minority Parties in South Australia will be directly traceable to the fact that the Legislative Council voting system will allow the Labor Party to take control of this Council with well below 50 per cent of support in South Australia. Instructions will be sought to include other amendments in the Bill.

The Hon. D. H. L. Banfield: Tell us how you got the majority in this Council. Did you ever get that on a majority vote?

The Hon. R. C. DeGARIS: I have already answered that question. I am the only person in this Parliament at present who has ever introduced a Bill or an amendment to produce one vote one value in South Australia, and the Government has opposed me every time I have done it.

The Hon. D. H. L. Banfield: And so did your own people.

The Hon. R. C. DeGARIS: It is important to remember that this Council was under direct threat of abolition and, until a Constitution amendment was satisfactorily passed to ensure that no Party could abolish this Council without consulting the people of South Australia, there was very little chance of changing the voting system for this Council.

The Hon. F. T. Blevins: There is a gap of about three years in your memory.

The Hon. R. C. DeGARIS: The only person in this Parliament who has ever introduced a Bill or an amendment to produce one vote one value was myself, supported by my colleagues in this Council, but I have been opposed on every occasion by the Government. A number of glaring anomalies in the Electoral Act should be corrected. I shall touch on the Legislative Council voting system, which is a blot on any voting system. It allows for voluntary preferential voting, but it does not allow for all the preferences to be counted, even if a voter expresses those preferences. It allows for a person to express his preferences if he so desires but, after he has expressed those preferences, the Bill says that they cannot be counted. I appeal to honourable members: is that a fair thing to do? If a voter expresses a preference under a voluntary preferential system, by what reasoning can the Parliament deny that person the right to have that preference counted? If, on the other hand, the Government remains tied to first past the post voting on a list system (a system that removes any individual choice in a person's voting), the system of counting for first past the post voting on a list system should be used; that is, the use of the andrae or natural quota—not the droop quota, which is designed to assist counting where a full preferential system is used. If the droop quota is used on a first past the post system, there is a bias, a mathematical gerrymander, to any major Party. The Hon. Mr. Whyte will expand this point in his contribution to the debate.

Elections are often called at short notice. The absolute minimum of time was permitted between the closing of nominations and the date of the last election. This effectively disfranchises many electors. There are several ways of overcoming this difficulty, and in this connection the Hon. Mr. Whyte's suggestion is worth supporting; namely, we should have a permanent postal voting register of people who are unable to vote because there is insufficient time to apply for a postal vote and to cast the vote before the election. The suggested system exists in Western Australia, and I ask honourable members to consider it carefully, so that people in outback areas can have the opportunity of casting a vote when an election is called at short notice.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

Adjourned debate on second reading.

(Continued from October 2. Page 1032.)

The Hon. C. M. HILL: This Bill extends the life of the City of Adelaide Development Committee by a further six months from June 30, 1976, to December 31, 1976. This extension is needed because of the machinery involved in the planning process in the city of Adelaide. Many

ratepayers of the city and those involved in amending the principal Act to set up the City of Adelaide Development Committee had hoped that adequate legislation would have been implemented by the middle of next year. However, the time for public comment on the proposed plan does not expire until November 14, and the City Council must make up its mind finally upon the plan after considering the public's response. After that, the Government itself must carefully consider the matter before it agrees to the plan in its final form. We all know that, if the city of Adelaide brings down its plan at about the end of this year, the Government will not be able to give too much time to the legislative process at the beginning of next year, because the Government will be on leave.

The Hon. D. H. L. Banfield: Where are you going?

The Hon. C. M. HILL: I am not in Government yet. I am referring to the first six months of next year, when the Government—

The Hon. D. H. L. Banfield: We are coming back in February.

The Hon. C. M. HILL: For one or two weeks.

The Hon. D. H. L. Banfield: Or more.

The Hon. C. M. HILL: We are coming back then only because the Government got the shivers when people started to talk about an eight-month holiday. The Government then fitted its oversea trips into a new schedule. The Minister has had his vaccinations, so he had better not talk.

The Hon. T. M. Casey: You went overseas last year.

The Hon. C. M. HILL: That was a private visit; it was not at Government expense. The Government, as a full Cabinet, will not be paying great attention to the legislative process in the first six months of next year. In that period, the proposed legislation ought to be considered by the Government. The city of Adelaide plan will be completely through the Adelaide City Council and its processes at about Christmas time, and the Act as it stands provides that the City of Adelaide Development Committee can remain alive only until the middle of next year. Now, however, foreseeing all these events, it has been found necessary (and I agree that it is necessary) for the life of the committee to be extended until the end of next year.

I, for one, will not vote for any further extension for the committee after that time. This is not the first extension we have given it, and I bring to the notice of the Government that a great deal of criticism about this committee and its activities has been expressed within the city of Adelaide. Development, expansion, and progress are being stifled because everything is at a standstill pending the committee's deliberations. That is not a good thing. People can take it for a certain period of time while proper planning is being implemented, but it cannot go on and on, as it seems to be doing at present.

I believe, taking a responsible view of the matter, that I should be prepared to extend the life of the committee for a further six months, but I will not approve of any further extension thereafter. There appears to be a most grave deficiency in the Act being amended by this legislation, particularly in that part of the Act dealing with the role of the committee in the city of Adelaide. This deficiency should be rectified at the earliest possible moment.

It could be rectified by amendment, if such amendment were passed, after an instruction was given by Parliament on this occasion. I have known for some time that this deficiency has been present, and I am willing to mention it to the Minister at some stage in the hope that the Government will act. However, if the Government does not act I intend to seek an instruction and to introduce an amendment myself. It is a matter that should be rectified, in my view, as early as possible. I think the only responsible action that can be taken is to agree to the Government's Bill to extend the life of the committee. In doing so, I support the measure.

The Hon. A. M. WHYTE secured the adjournment of the debate.

[Sitting suspended from 3.55 to 8.15 p.m.]

BOATING ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes an amendment to section 11 of the Boating Act, 1974. The amendment is necessary to clarify the application of the provisions of the principal Act requiring registration of motor boats to certain off-shore pleasure yachts. Section 11 of the Act provides *inter alia* that any motor boat which is required to be registered and to bear an identification mark under the provisions of any other Act or law is exempt from the provisions of the Boating Act relating to registration. The question has arisen as to whether certain off-shore pleasure vessels are required to be registered under the Boating Act, as they are already registered, or required to be registered, under the Merchant Shipping Act, 1894, of the United Kingdom. Vessels involved are those pleasure yachts which are either over 15 tons burden or which, if they are under that tonnage, are not used solely within the rivers and coastal waters of the State; such vessels are required to be registered under the Merchant Shipping Act, and thus at present are exempt from the registration provisions of the Boating Act. However, there are no specific sanctions for failure to register a vessel under the Merchant Shipping Act. Of course, at common law, a person who commits a breach of a Statute for which no specific penalty is provided may be guilty of a misdemeanour, but this sanction is unlikely to be invoked. Consequently, an avenue is open for boat-owners to disregard the requirements of the Merchant Shipping Act, while at the same time enjoying exemption from the requirements of the Boating Act. This amendment is designed to remove that possibility of evading registration.

Clause 1 is formal. Clause 2 reserves the Act for the signification of Her Majesty's pleasure and provides that it will come into operation on a day to be fixed by proclamation. Clause 3 amends section 11 of the principal Act to provide that any motor boat is subject to the requirements of the registration provisions whether or not it is required to be registered under any other Act and whether or not it is in fact registered under any other Act unless the boat is exempted by proclamation.

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

BEVERAGE CONTAINER BILL

Adjourned debate on second reading.

(Continued from October 2. Page 1032.)

The Hon. ANNE LEVY: This Bill arises as one of the recommendations of the Jordan Committee on the Environment, which was set up a number of years ago in South Australia. This committee, chaired by Professor Jordan of the Adelaide University, recommended that a deposit system be instituted on glass and metal drink containers.

I shall refer to the three aims of the Bill not necessarily in their order of priority. The aims of the Bill are, first, to cut down on litter, which presents a considerable problem in all recreation areas in this State; secondly, to cut down on solid waste, the disposal of which is, again, a great problem in modern communities; and, thirdly, to bring about a rational policy with regard to the conservation of resources.

In the world sense, this Bill is not new. There has been very similar legislation in other parts of the world, notably on the west coast of America and in Canada. British Columbia led the way by enacting similar legislation in 1970; Alberta followed suit in 1972; Oregon brought in a similar measure in 1972, Saskatchewan in 1973, and Vermont in 1974. I understand that South Dakota has passed similar legislation which will come into force on January 1, 1976. It is useful to us to use these pieces of legislation as guides, although there are differences between the various pieces of legislation and, of course, they vary slightly from our legislation. First, I shall deal with the effect of the Bill on litter. A good deal has been made in previous discussions of a figure of 10 per cent of litter being made up of drink containers. This figure comes from a survey that was carried out in Croydon, Victoria, on a basis of items of litter; 10 per cent of all the items collected were drink containers, but we must remember that, if litter is measured by items, a bus ticket and a cigarette butt each count as one item in the same way as does a drink can. The effect on visual pollution should not be measured by items but, rather, by volume. It is absurd to pretend that a bus ticket creates as much visual pollution as does a can. So, figures such as this 10 per cent tend to be suspect.

Different figures are obtained, depending on when the survey was carried out, where it was carried out, and the time of the year when it was carried out. Far more drink containers are obtained in a summer survey than in a winter survey. Similar surveys have been done in other parts of the world, giving very different results. I shall quote a few surveys done in New York. On throughways, 45 per cent of the litter was made up of beverage containers but in Como, a town in New York State, 60 per cent of the litter was made up of beverage containers. In Beaver Island, a figure of 35 per cent was obtained, on the same item count basis. So, I very much doubt whether the figure of 10 per cent is realistic, even if the count is done by items. However, if we take surveys done by volume, which relate far more to the visual pollution that is observable, one Australian survey done in Murray Bridge showed that, by volume, 57 per cent of the litter was made up of beverage containers. This survey was done in spring and, again, different figures might be obtained at different times of the year. This was a volume count, and one can say that, of the beverage containers that made up 57 per cent of the litter, less than 2 per cent were of the type that could be returned, with a deposit refunded. It has been well documented that the effect of the Oregon Bill on litter has been remarkable.

The Hon. T. M. Casey: Yes. I have been there.

The Hon. ANNE LEVY: The quoted figures show a 92 per cent reduction in the count of beverage containers by an item count, and an even greater reduction in litter if it is calculated on a volume count basis.

The Hon. T. M. Casey: It's a very clean State.

The Hon. ANNE LEVY: I have not seen them, but I understand that the highways of Oregon are a delight to the eye. Most of the remaining beverage containers found in the litter are non-returnable containers brought in from other States. In South Australia, our main centres of population are a long way from our State borders, so that any effects of containers from other States should be fairly marginal, in our geographic situation. In Oregon it has been estimated that the saving that has resulted in the cost of litter collection is between $370 000 and $630 000 a year. It seems universally agreed that such legislation is highly effective in cutting down on litter.

It is playing on economic motives; people are much less likely to toss away a bottle or can that has a reasonably high economic value to them, and, if some people are wealthy enough or careless enough to throw away cans and bottles with deposits on them, we can be sure that small boys and girls will be very keen to add to their pocket money by collecting the deposits to be obtained on any containers they find. One might well imagine that, if we go to cricket matches at the Adelaide Oval, we will have to clutch our half-full soft drink bottles tightly for fear that small children will take them away in order to collect the deposits.

Secondly, we must consider the effect of such legislation on solid waste disposal. Refillable containers can be used, say, 15 times, so that much less glass is being disposed of through the usual garbage collection. Cans will be returned and can be recycled. The steel can people have long said that they are keen to recycle material, and several years ago they announced publicly that collection centres for cans would work as a means of recycling the steel used in cans.

I believe that, to date, only about 3 per cent of cans is being returned to the collection centres, and it has been said that cans have not been recycled, but dumped in land fill. It is easy to crush cans, I believe, and in South Australia of all places these could readily be returned to Whyalla, put into the blast furnaces, and re-used. I understand, too, that the steel from such cans can be used for many different purposes; it might not be of a quality required for making new cans, but it could well be used in steel for reinforced concrete and would certainly find a ready market.

We must not forget that solid waste disposal is paid for by everyone through council rates, regardless of whether or not the ratepayer concerned ever buys a soft drink. The principle of recycling and re-using containers cuts down on the solid waste to be disposed of by the whole community. In Oregon it has been estimated that $600 000 a year is being saved in the cost to the community of solid waste disposal as a result of the so-called Bottle Bill.

The refillable drink containers in Oregon have increased from 45 per cent of the beverage market to 93 per cent, so cutting down considerably on the problems of solid waste. I understand that moves are now being made to extend the legislation in Oregon even to food containers, to reduce the solid waste still further. Such moves certainly are not proposed here at present. We must first see how effective the current legislation proves to be, monitoring its effects carefully, learning from experience, and making changes and additions in future as may seem desirable.

Thirdly, we must consider the effect on resources, which is probably of the most serious import in all the world today. It seems against all common sense to waste precious raw materials and energy in producing something to be thrown away at the first opportunity. I should like to quote from the evidence given by the Nature Conservation Society to the Select Committee of this Council set up a few months ago. It states:

Ultimately, the question of whether Australia can afford to perpetuate or, if the industry has its way, extend the convenience-throw-away ethic, with its concomitant wastage, is a matter of both morality and pragmatism. Figures from the United Nations indicate that the per capita consumption of steel, for all purposes, of the undeveloped world is only marginally greater than the Australian per capita discard of tin cans alone. In the spheres of world peace and trade, the degree of genuine effort displayed by the affluent to reduce unnecessary wastage is likely to be a significant factor in the future. We submit that the age when a few wealthy nations can justify waste in the name of convenience is fast coming to an end.

I commend those statements from the Nature Conservation Society. Calculations have been made of the energy required for cans and non-returnable bottles as compared with refillable bottles. These calculations take into account all stages of the processes required in the mining, transport, manufacturing, distribution, and collection. Bruce Hannon has shown that, for every gallon of soft drink (that is a United States gallon, which is less than an Imperial gallon), the cans required 51 830 British thermal units of energy.

Throw-away bottles require 58 100 Btu and refillable bottles only 19 220 Btu. It is assumed that the refillable bottle is used only eight times on average, although many are of a quality that can be used up to 40 times on average. We can see, therefore, that cans require more than three times the amount of energy required by returnable bottles, and that throw-away bottles require 2·7 times the energy of refillable bottles. There is certainly no question of what makes the best sense in terms of true conservation of the earth's resources.

One matter of which much has been made in this debate is the question of employment and the effect this legislation may have on it. True, some readjustment may be necessary. Considerable reallocation of jobs has taken place in recent years as the change from returnable bottles to throw-away bottles and cans has occurred, and we are attempting now to reverse this trend. Dire predictions are being made, but they read remarkably like the equally dire predictions made in Oregon before its legislation was implemented; nearly all the dire predictions in Oregon turned out to be quite wrong.

A complete and thorough study of the effects of the Oregon Bill has been made by Drs. Gudger and Bailes of the School of Business Management, University of Oregon, at Corvallis. Their study showed that the total employment resulting from the bottle legislation rose in that State by 365 jobs. Employment by the container manufacturers did fall, but that of the bottlers and brewers rose through the extra washing of returnables, and I understand that bottling is more labour intensive than is canning. More truck drivers were needed, as well as more handlers and sorters. There was an overall increase in employment resulting from the Bill.

Several other interesting points emerged from the study by Gudger and Bailes on the Oregon legislation. There was no effect whatever on sales volume, but there was quite a large decrease in costs to the soft drink manufacturers, because they were re-using bottles instead of having to buy new ones. In fact, they saved $5 700 000 in the first year. Their income also decreased, as the cost of soft drink in a returnable bottle is much less to the consumer than the cost of the same volume of soft drink in a can or throw-away container. The reduction in income was $1 600 000. Even if we take into account the greater distribution costs of about $900 000 and the extra costs of washing and handling the returnable bottle, which came to about $400 000, it means that overall the soft drink manufacturers gained in income by $2 800 000 in one year.

It is certainly true that here in South Australia there is the same differential in cost, that buying soft drinks in cans is a much more expensive way of buying soft drinks than in bottles. A can of soft drink containing 370 millilitres costs 26c whereas a returnable bottle containing 750 ml costs 33c, plus the deposit. That is more than double the volume for an increase of only 7c for the actual beverage in the container.

The Hon. D. H. L. Banfield: It is not as economic.

The Hon. ANNE LEVY: I venture to predict the same effect will be seen here as in Oregon, that the profits to the soft drink manufacturers will rise, and not fall, as a result in this legislation.

There has also been much controversy about whether or not this Bill should include the standard beer bottle as an item on which a deposit should be required. Looking at the facts, this seems to be unnecessary at this stage. Figures show that about 86 per cent of standard beer bottles are returned to the breweries now, and re-used, using the existing efficent methods of collection through standard garbage collection, marine merchants, and also the many charities that rely on such collections for raising large sums of money. Even with the deposit system that operates in Oregon, a return rate of about 90 per cent is the best that can be achieved, and the current return rate of beer bottles exceeds that of soft drink bottles with deposits on them. Apparently, about 75 per cent of the returnable soft drink bottles are now returned for refilling in South Australia. So, to include beer bottles in the legislation would upset the existing arrangements for their re-use without achieving anything. In terms of resource use, greater efficiency than currently occurs could hardly be expected. Of course, should these figures change markedly or the littering of beer bottles become a great problem, changes can be made in the future to accommodate this.

The Hon. M. B. Cameron: You will put deposits on beer bottles in the future?

The Hon. ANNE LEVY: I am sure the Government will be flexible and adaptable to these problems as they arise.

The Hon. M. B. Cameron: Why not now?

The Hon. ANNE LEVY: It is not necessary now. There has also been considerable controversy whether one result of this legislation will be the disappearance of the can as a beverage container. I know that in Oregon cans dropped from 44 per cent of all beverage containers to about 1 per cent, but they have slowly risen since and are now back to about 7 per cent of beverage containers. In Alberta and British Columbia the percentage of cans did not drop markedly with the introduction of their legislation. In fact, in British Columbia it has increased to about 30 per cent of the beverage container market, which is a higher proportion than existed before the introduction of the legislation.

The Hon. M. B. Cameron: Did they put 10c on them?

The Hon. ANNE LEVY: Yes. The drop that occurred in Oregon can be explained as being a result of several factors, one being the banning of the pull-top container at the same time as the legislation was introduced.

The Hon. M. B. Cameron: We are not doing that here?

The Hon. ANNE LEVY: At the time that was done, the push-top container had not been invented. Furthermore, the manufacturers in Oregon had very little warning of the change. The same situation will not apply here.

Manufacturers will have plenty of time to switch from zip-top to push-top containers. In fact, they are starting already, and the world patent for the push-top is held by the Broken Hill Proprietary Company Limited. I may add that the push-top is, incidentally, cheaper to manufacture than is the pull-top. The establishment of collection depots for cans is, likewise, not a difficult or costly operation. I have seen from Alberta reports on the operation of such depots and instructions for setting up model depots prepared by business consultants. I am sure these could be available to the industry here.

The Hon. M. B. Cameron: Will they be established in country centres?

The Hon. ANNE LEVY: If they wish.

The Hon. M. B. Cameron: Who will pay for them?

The Hon. ANNE LEVY: I suggest that suitable sites will be disused service stations (of which there is a considerable number about), or even disused Tom the Cheap premises would seem to fit the requirements adequately.

The Hon. J. C. Burdett: Who will pay for them?

The Hon. ANNE LEVY: In Alberta, they were paid for by the industry, and the cost of drinks has not risen as a result.

The PRESIDENT: Order! I notice in the gallery Mr. G. A. T. Bagier, M.P.; Mr. E. W. Griffiths, M.P.; Mr. John Garrett, M.P.; Mr. Spencer Le Marchant, M.P.; Mr. Alec. Woodall, M.P.; and Mr. H. G. Davies, members of the United Kingdom Parliament visiting South Australia as representatives of the United Kingdom Branch of the Commonwealth Parliamentary Association delegation. I extend to them a very cordial welcome to the Legislative Council and trust that their visit to this State will prove to be both interesting and agreeable. I invite the leader of the delegation, Mr. Bagier, to take a seat on the floor of the Council and ask the Leader of the Government (Hon. Mr. Banfield) and the Leader of the Opposition (Hon. Mr. DeGaris) to escort Mr. Bagier to the dais.

Mr. Bagier was escorted by the Hon. Mr. Banfield and the Hon. Mr. DeGaris to a seat on the floor of the Council.

The PRESIDENT: The Hon. Miss Levy.

The Hon. ANNE LEVY: If industry really believes that people prefer the convenience of cans, collection centres will be easily established. The cans will then be recycled, thus avoiding the wastage of resources that occurs at present.

The Hon. J. C. Burdett: Doesn't it take more energy to recycle cans?

The Hon. ANNE LEVY: Not steel cans. If the can does vanish, it will not be because of the Bill. This Bill is not a ban on the can.

The Hon. M. B. Cameron: Come on!

The Hon. ANNE LEVY: I insist that if the can vanishes it will be because the public and industry decide of their own free will to cease using cans.

Finally, I want to consider the red herring that is sometimes used in discussing beverage containers; that of alternative schemes such as the packaging tax imposed in Washington State. This may have the advantage of providing revenue for the State to enable it to clear up the litter mess that people leave lying around, but I object to it strongly on three grounds. First, a taxation measure should be openly admitted to involve a revenue-raising policy, and no Government should bind itself to using all of one tax on one item of expenditure. Any tax goes into Consolidated Revenue and is spent according to the Government's priorities. Secondly, it requires a much greater bureaucracy to administer the taxation system. Opposition members are usually in favour of cutting down on the size of the Public Service rather than increasing it. Someone must collect the tax and deal with it. One admirable by-product of this Bill is that it will cost the Government (and therefore the taxpayer) virtually nothing to administer it.

The Hon. J. C. Burdett: Because the can manufacturers will leave the State.

The Hon. ANNE LEVY: If they do, it will be of their own free will. The third and most important objection to a packaging tax is that it completely negates the important principle of environmental protection, which is that the polluter must pay. Any tax would be paid by everyone, whether they are irresponsible or careless people who litter, or responsible and sensitive people who take their litter home with them and care for their environment. In fact, such a tax may well increase littering and the problems of collecting litter, as some people may consider that, having paid the tax, they have a right to litter. Such a tax would certainly do nothing to encourage recycling on the part of the consumer, or to encourage the conservation of precious resources and energy.

I should perhaps add, too, that despite the quotations from the Nature Conservation Society of South Australia which were made by the member for Mitcham in another place when debating this Bill, the society fully supports the Bill. Only last evening, the society's President told me that, although it may not regard the Bill as a perfect one, the society sees it as an important first step towards a rational use of resources, and that it supports the Bill's speedy passage and implementation. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading, although I oppose absolutely the philosophy behind the Bill. I support the second reading, because this Bill has been presented for the second time following an election, before which the Bill was defeated in the Council. I have explained my attitude to these matters when the Council has debated previous Bills and, although the Constitution Act does not demand that the Bill must be passed in such circumstances, each honourable member must satisfy his own conscience on the constitutional requirements. I have weighed the position, and, although I oppose the Bill as being an impossible one (anyone who thinks it is not a Bill to ban the can just cannot read legislation) which should never appear on our Statute Book, I will reluctantly support its passage.

The Hon. C. J. Sumner: Why didn't you adopt the same attitude on the Railways (Transfer Agreement) Bill?

The Hon. R. C. DeGARIS: I did. If honourable members will recall, I said that I would voice my opposition but that I would not call for a division. If the honourable member reads *Hansard*, he will see this recorded there. I said that I would voice my opposition to the railways transfer legislation, although I would not call for a division, even though I believed that that was probably the most damaging Bill to the State which had passed through this Parliament in a long time. However, as the honourable member would realise, this Bill contains no reference to railways. This does not mean that all honourable members should accept my point of view regarding this Bill. Each honourable member must make his own final decision on the merits of the Bill and as he sees the constitutional requirements. I suppose one could at this stage expand a little on the question the Hon. Mr. Foster asked me some time ago. However, such a course of action

is hardly warranted at this stage, although I could expand on it in detail. I am totally opposed to the concept of the Bill and, what is more, so are a large number of A.L.P. members in this Parliament—

The Hon. D. H. L. Banfield: A large number aren't, too.

The Hon. R. C. DeGARIS: —and in the Commonwealth Parliament.

The Hon. D. H. L. Banfield: A large number aren't in this Parliament.

The Hon. R. C. DeGARIS: A large number of members in this Parliament and in the Commonwealth Parliament oppose the Bill.

The Hon. D. H. L. Banfield: That's not right, you know.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: One has only to read the recommendations of the Select Committee on which Labor members of the Commonwealth Parliament served to understand what I mean. The Hon. Miss Levy quoted out of text the Jordan committee's report. I am proud to say that that committee was set up by a Government of which I was a Minister, and it did not recommend or fully support this legislation. I challenge the Hon. Miss Levy to show me the page in the report where the Jordan committee strongly recommends this approach. If one reads that report, which is probably the best report that has been brought down on conservation, litter and the environment in South Australia (the committee having been appointed and given powers by a former Government), I should like to know where, in the report, the committee recommends strongly this type of Bill.

The Hon. T. M. Casey: How many reports have been brought down regarding the environment in South Australia?

The Hon. R. C. DeGARIS: I will not be sidetracked by the inane interjections of the Minister of Lands, who constantly tries to draw honourable members off the track. I challenge the Hon. Miss Levy to show me where, in its report, the Jordan committee makes this recommendation, because it does not do so. The Jordan committee recommended that several other approaches should be adopted and that, if in the final point, they did not work, as a last resort the deposit system should be tried. To say that the Jordan committee strongly recommended this legislation is not in accordance with the Jordan committee's report.

The Hon. T. M. Casey: You are arguing about the Jordan committee but, when a Royal Commission brought down a report, you would not accept that.

The PRESIDENT: Order! We are discussing a Bill relating to deposits on cans. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: The Jordan committee's report does not contain any strong recommendation for this type of legislation. Indeed, there is no Royal Commission, no Select Committee, and no Government committee set up in Australia to examine this matter that has ever made a recommendation supporting this approach. I challenge the Government to tell me of one independent committee that has supported this approach.

The Hon. T. M. Casey: That means that the Jordan committee is the only committee that has reported on this matter.

The Hon. R. C. DeGARIS: No. A Western Australian Select Committee has dealt with this matter, and a Select Committee of the Commonwealth Parliament, which had a majority of Labor Party members, has not made any recommendation for this approach. I have reports from America, too. Of course, the Government must remain silent in the face of my challenge, because there is not one independent inquiry that has recommended this approach. Every investigation and every recommendation so far made, including the Jordan report, says that a deposit scheme will fail and that it should be implemented only as a last resort. There are many ways of tackling this problem other than by a deposit system. There are far more effective schemes that should be tried. This Bill has one aim—to eliminate the can from the market. The very dishonesty of this Bill lies in the fact that one might go through a whole series of clauses in the Bill thinking that it is a deposit scheme, whereas one sentence would have served the purpose: it is illegal to put any beverage in a can. That is all that was required: the rest of the Bill is superfluous. Some Labor Party members oppose the Bill.

The Hon. C. J. Sumner: Some Liberals support it.

The Hon. R. C. DeGARIS: Yes, but at least they are willing to state their case. They are not controlled and sat on, as members of the Hon. Mr. Sumner's Party are. Some Labor Party members oppose the Bill, but they are not game to say so.

The D. H. L. Banfield: That is so much rubbish.

The Hon. R. C. DeGARIS: Some Labor Party members of the Commonwealth Parliament have gone down to factories and said that they oppose the legislation, but they have gone back and said, "We are sorry, but the A.L.P. Convention agreed to a resolution that binds us." What a sad commentary on political Parties!

The Hon. C. J. Sumner: Which way did the member for Hanson vote?

The Hon. R. C. DeGARIS: That is the very point I am making. At least a Liberal member can stand up and say what he thinks, even though he may be misguided. However, a Labor Party member, even though he knows he is right, may be unable to state his viewpoint because he is fearful of his future.

The Hon. D. H. L. Banfield: What about the oversea trip that was provided?

The Hon. R. C. DeGARIS: If we like to examine the question of how to buy people, let us see how the Government has bought the Speaker with oversea trips and other perks.

The Hon. D. H. L. Banfield: Stan Evans has had a trip overseas.

The Hon. C. M. Hill: What about sewerage for Port Pirie?

The Hon. R. C. DeGARIS: This Bill will have a serious effect on South Australian industry, which has said to people, "If you do not believe what we say, we are quite willing to show you what has happened in America under the Oregon Bill and under the Washington Bill." Probably the situation that has been referred to is a little like that of the Speaker, who had several promises about oversea trips from various people.

The Hon. D. H. L. Banfield: Such as?

The Hon. R. C. DeGARIS: I will not go into that.

The Hon. D. H. L. Banfield: The people returned the Labor Government after this policy had been put to them.

The Hon. R. C. DeGARIS: With 46·3 per cent of the vote. It is a sad commentary that some political Parties control their members of Parliament to such a degree that those members cannot express their viewpoint.

The Hon. C. J. Sumner: Did the member for Hanson vote for or against the Bill?

The Hon. R. C. DeGARIS: I would not have the slightest idea. I deal with the legislation that comes into this Council. What the other place does is its business.

The Hon. C. J. Sumner: The member for Hanson voted against the Bill, but earlier he said he supported it. Some Liberal Party members voted against the Bill purely on Party lines.

The Hon. R. C. DeGARIS: Irrespective of that, I would like the Labor Party to grant its members similar freedom to that granted to Liberal Party members. Every honourable member of this Council knows that some Labor Party members strongly oppose this Bill.

The Hon. D. H. L. Banfield: Name a couple.

The Hon. R. C. DeGARIS: The member for Port Adelaide in the Commonwealth Parliament.

The Hon. D. H. L. Banfield: He does not have a vote here.

The Hon. R. C. DeGARIS: He is bound by the A.L.P. Convention.

The Hon. D. H. L. Banfield: Be fair dinkum!

The Hon. R. C. DeGARIS: I am fair dinkum.

The Hon D. H. L. Banfield: How can he vote here? Are you going to invite him on to the floor of the Council?

The Hon. R. C. DeGARIS: If the convention decides to adopt a policy, or suddenly ties them all hand and foot, even though they know that that policy is detrimental to industry in South Australia, I believe that is a sad commentary on political Parties. It seems sad to me that a constitutional stricture allows on this occasion this Council to be roundly and unfairly abused by the Government as being obstructive even though the Government could be greatly satisfied with the result—

The Hon. D. H. L. Banfield: You talk the greatest baloney I have ever heard.

The Hon. C. J. Sumner: I can't follow that.

The Hon. R. C. DeGARIS: Let me explain the point. The first question one must ask is this: if the Government does recognise the damage the Bill will do, why is it proceeding with the Bill?

The Hon. D. H. L. Banfield: Because the people wanted it.

The Hon. R. C. DeGARIS: I shall repeat the question: if the Government itself recognises the damage the Bill will do, why is it proceeding with the Bill? You know, Sir, I know, and honourable members in this place know that the Government does not want this Bill.

The Hon. Anne Levy: That is not true.

The Hon. R. C. DeGARIS: The answer could be one of two in relation to this rather intriguing question. First, it is proceeding with the Bill for purely political reasons; that is, the Government wants the Council to defeat the measure for it, thus achieving several objectives.

The Hon. Anne Levy: What nonsense!

The Hon. R. C. DeGARIS: I am not talking nonsense.

The Hon. D. H. L. Banfield: Straight-out baloney.

The Hon. R. C. DeGARIS: When one touches the truth, the Government—

The Hon. D. H. L. Banfield: When have you ever done that?

The Hon. R. C. DeGARIS: When one touches the truth, the Government bellows. It is a sure sign that one is touching a soft spot. The Government wants the Council to defeat this measure for it, thus achieving several objectives. Let me outline those objectives. The first is the usual emotional abuse of the Council, to curry favour with a group in the community which thinks this Bill will make a contribution to the litter campaign. Just imagine when the Bill is defeated, if it is defeated, if the Government puts the Bill up and the Council defeats the Bill for the second time. Just imagine the emotional abuse and the statement being made, "Here is this group of people, looking after big business, people who do not care about the litter problem, stopping the Government from introducing a measure that will solve it with a wave of a magic administrative wand."

We will hear the usual emotional abuse that the Council is interested only in protecting big business. One could continue in pointing out other reasons why the Government would like to see the Bill defeated in the Legislative Council, giving it the opportunity once again to accuse the Council of the things of which it has been accused over many years. The defeat of the Bill would load both barrels of the deadlock provisions, which would seriously hamper the ability of the Council in handling with care and attention other Bills which will have a more dramatic effect on the well-being of the State than this one. Let us recognise that point.

The Hon. C. J. Sumner: Are you saying the Government does not want the Bill?

The Hon. R. C. DeGARIS: Yes, I am saying that the Government does not want the Bill.

The Hon. C. J. Sumner: It is all a trick?

The Hon. R. C. DeGARIS: That is quite wrong. Trickery and political expediency are two entirely different things. The first reason I am putting to the Council for the Bill's being before us at this time is purely political and designed to reduce the effectiveness of this Council for the remainder of this Parliament. Every honourable member knows to what I am referring. The defeat of the Bill would admirably suit the political purpose of the Government. I intend looking at a second reason, but perhaps I could leave that until later in my speech. It is a somewhat complex one, yet of the utmost importance to the outcome of the Bill and to any democratic society. Briefly, I turn to the Bill itself.

The Hon. D. H. L. Banfield: Hear, hear!

The Hon. R. C. DeGARIS: What I have said so far is in relation to what a second reading speech should be. I turn now to the contents of the Bill. It parades under the false description of "A Bill for the paying of refunds on certain containers; to prohibit the sale of certain containers." The first part is superfluous; it is simply a Bill to prohibit the sale of certain containers. The idea of any refund in the Bill is in the imagination of its promoters. If any honourable member thinks that any of the provisions of this Bill ever will eventuate in relation to the returning of containers where there is a deposit (with the exception of glass containers, where the vendor is responsible), I feel sorry for his ability to assess the effects of any legislation coming before this Council.

As soon as this Bill is proclaimed, the beverage can will disappear from the South Australian market absolutely and positively. There will be no cans on sale in this State, and there will be no collection depots. They cannot be established under this legislation. All this talk about this being a deposit Bill is so much malarky, because the Government cannot tell me that this Bill will operate as it is designed. It cannot. The effect of this Bill on South

Australian industry will be absolutely dramatic, and the Government knows that as well as I do.

The Hon. C. J. Sumner: What evidence is there of that?

The Hon. R. C. DeGARIS: I have just made the comment that the can will disappear from the market in South Australia, and no honourable member interjected that that was not so.

The Hon. A. M. Whyte: Only the South Australian can, because many cans will have to be imported.

The Hon. R. C. DeGARIS: No. Under the Bill, that will not occur. I thank the Hon. Mr. Whyte for his interjection. The retailer will be responsible for charging the deposit, and while cans can come in from other States a 10c deposit must be charged by the retailer. The retailer cannot sell—

The Hon. A. M. Whyte: You are talking only of beverage cans, and this affects a much wider range.

The Hon. R. C. DeGARIS: I will come back to that. The beverage can will disappear. Cans cannot be brought from other States because it is not possible for anyone to set up a receival depot. That is completely impossible under the legislation. A can cannot be sold through a retail outlet unless there is a collection depot in the vicinity of that retail outlet.

The Hon. A. M. Whyte: That belongs to the beverage cans also.

The Hon. R. C. DeGARIS: That is right. I was coming to that point. The effect on South Australian industry will be dramatic, not only on employment in the can industry, but in the rise in costs to other packers (fruit, jams, fish, and meat), which will be sufficient to place financial strains on those industries. I think that is the point the Hon. Mr. Whyte is making.

The Hon. N. K. Foster: Has he said anything about the mandate yet? Keep going, mate.

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

The Hon. N. K. Foster: Of course, he would—

The PRESIDENT: Order! Interjections are out of order.

The Hon. R. C. DeGARIS: I do not mind interjections, Sir, as long as they are relevant.

The Hon. N. K. Foster: In the Committee stages—

The Hon. C. M. Hill: If you had been here earlier—

The PRESIDENT: Order! Order! Interjections are out of order, particularly when they are not relevant to the subject matter before the Council. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: The effect on South Australian industry will be dramatic, because the can will disappear and no operator in this State will be able to continue producing other cans because the economics of the industry will be destroyed.

The Hon. Anne Levy: That did not occur in British Columbia, so why should it happen here?

The Hon. R. C. DeGARIS: The Hon. Anne Levy, despite her brilliance in some matters, in the pure application of legislation to industry is well behind the eight ball because, if we remove the beverage can from the market, the industry in South Australia will disappear and cans will have to be imported from other States for the fish, meat, and jam industries, which will add significantly to the costs of those industries in South Australia. No doubt, that will be the situation. We are closing down in this State a valuable industry, an industry that requires a supply of cans in spheres other than the bottle container industry to maintain South Australia in a viable competitive position. It is remarkable that the Premier, in a statement he made last week, appeared to recognise the very point I am making, when he said:

This Bill, if passed, will not be proclaimed until 1977.

I pose the question: why?

The Hon. Anne Levy: To give the industry a chance to adjust.

The Hon. R. C. DeGARIS: How can you adjust to ban the can tomorrow or in 1977? The honourable member says it is to give the industry a chance to adjust. To adjust to what?—to adjust to annihilation. We may as well ask people who are under an atom bomb to adjust to its coming down. This is just the same thing. The Premier said that the Bill would not be proclaimed until 1977, and the only answer we can get is that this will allow people time to adjust. I pose the question: adjust to what? That question cannot be answered. This is a simple Bill to force the can off the market, no matter whether the can drops out tomorrow or in 1977: the effect is exactly the same, and there is no adjustment.

The Hon. C. J. Sumner: Are you saying that this Bill will remove other lines from South Australia?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. Sumner: Did the can exist before the introduction of the soft drink can?

The Hon. R. C. DeGARIS: I do not know, but the honourable member can take this as certain, that the canning industry in South Australia will close down; there is no doubt about that.

The Hon. C. J. Sumner: For all lines?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. Sumner: Why do you say that?

The Hon. R. C. DeGARIS: One realises clearly that, owing to economic policies in another sphere, what was economically possible 10 or 20 years ago is no longer economically possible today. I assure the honourable member that, if this Bill goes through, can manufacturing in this State will disappear completely.

The Hon. C. J. Sumner: What evidence do you have of that?

The Hon. R. C. DeGARIS: Perhaps, if the honourable member would like to wait one day, he would get the evidence. I am certain that people who understand what he is saying now will give him the assurance he seeks.

The Hon. T. M. Casey: Are you suggesting that tuna and jam will not be able to be canned?

The Hon. R. C. DeGARIS: No. The people using these sorts of materials will have to import them in the future from other States.

The Hon. C. W. Creedon: Why?

The Hon. R. C. DeGARIS: Because the can industry in this State will be destroyed.

The Hon. C. W. Creedon: But you admit to 52 per cent of the Coca-Cola cans being imported.

The Hon. R. C. DeGARIS: That is what I say: Coca-Cola Bottlers admits already to 52 per cent of cans being imported.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. R. C. DeGARIS: I return to the Premier's statement that this Bill will not be proclaimed until 1977. So far, no valid reason has been given for that. Will the Government accept an amendment to the Bill to ensure

that it is not proclaimed until June 30, 1977? At least, that would give the industry some hope that between now and 1977 the Government might find a way of changing its mind. The Bill discriminates against all containers other than glass containers.

The Hon. C. J. Sumner: Do you favour a deposit on those?

The Hon. R. C. DeGARIS: If the honourable member will wait a moment, I will come to that point; I do not wish to be pushed into moving from my argument.

The Hon. C. J. Sumner: I do not wish to do that.

The Hon. R. C. DeGARIS: I will come to that point. As I say, the Bill discriminates against all containers other than glass containers, because glass containers, under the Bill, can be returned to the vendor and the vendor is forced to refund the deposit. That does not apply to deposits on any other containers. All other containers cannot be so returned. Therefore, there is in the Bill discrimination against all containers other than glass containers.

The Hon. N. K. Foster: You must have bled when bulk grain was introduced, with all those gunny sacks not being necessary.

The Hon. R. C. DeGARIS: We appear to be getting on to wheat stabilisation.

The Hon. N. K. Foster: With the argument the honourable member is putting up, he will go on to bulk grain.

The Hon. R. C. DeGARIS: Does the Hon. Mr. Foster agree that this Bill discriminates against all containers other than glass containers?

The Hon. N. K. Foster: You are talking rubbish; I will tell you tomorrow.

The PRESIDENT: It would be a good idea for the honourable member to wait until tomorrow.

The Hon. R. C. DeGARIS: All containers being returned must be returned to a collection depot. No retailer is permitted to sell any beverage other than in a glass container unless a collection depot is operating in his district. If the system is to operate, it must be the vendor's responsibilty to refund on all containers returned (that is the only satisfactory way one can see in which there will be no discrimination amongst containers) but the Government intends placing a deposit on certain containers. So far, it has talked about 10c on certain containers, which will be three, four, five, or maybe 10 times their actual value. The Government talks about collection depots being established to which those containers with the added 10c can be returned, and the person returning the cans can get back the deposits on them. The Government knows as well as I do that this is purely a confidence trick: no container collection depots will be established.

The Hon. Anne Levy: They will be if they are required.

The Hon. R. C. DeGARIS: Well, let us assume that industry establishes a collection depot. On every can is stamped "10c". Suddenly, we have a new currency, the 10c can currency. We can go to Melbourne with a semi-trailer for cans with 10c stamped on them, buy them, bring them back to South Australia, flog them off at a collection depot at 10c a can, and make a huge profit. There is nothing to prevent that happening and the Government knows as well as I do that the collection depot concept is a confidence trick because it cannot operate.

The Hon. D. H. L. Banfield: No.

The Hon. R. C. DeGARIS: As the Chief Secretary knows, in all things that I do I am completely honourable. However, as he has often said, there are people in the community who are capable of doing these things. If there is a profit of $4 000 a trip to be made on a load of cans from Melbourne to Adelaide, one cannot tell me that it will not be exploited. So, the Hon. Anne Levy knows that the Bill does not provide for collection depots, because no manufacturer could place himself in the situation of refunding 10c a can and placing himself in a position in which he could become bankrupt, having to receive a load of cans on which 10c each must be paid.

What happened in Oregon was this: in the collection depots where there were thousands of cans, padlocks and Alsatian dogs had to be used, as the stack of cans was worth a fortune. When the cans came in and refunds were paid on them, they had to be destroyed and not recycled: they had to be shredded and buried. The Government knows as well as I do that the collection depot concept is an impossible one that cannot work. Despite this, they are flogging the system to the public. The Hon. Anne Levy said that collection depots could be set up by manufacturers only. I make the point that the manufacturers are not even given the chance to set them up because, once they are set up, they are open to all the intrigue of people who want to make a fast buck out of buying cans with a 10c stamp on them.

The Hon. C. J. Sumner: Don't you think they would be committing an offence?

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

The Hon. Anne Levy: The system works in Alberta.

The Hon. R. C. DeGARIS: It does not work in Alberta. I hope to quote from reports emanating from Alberta and Washington, where two separate approaches have been made. I will now quote from the Oregon project completion report.

The Hon. Anne Levy: I said Alberta, not Oregon.

The Hon. R. C. DeGARIS: The Oregon legislation and the Alberta legislation are exactly the same. Alberta is a State that has a tremendous capacity to advertise itself. We used to hear much about social credit and the amazing success achieved there in printing money.

The Hon. C. J. Sumner: They print cans now.

The Hon. R. C. DeGARIS: It is the same thing.

The Hon. Anne Levy: It's the new Democratic Party Government now.

The Hon. R. C. DeGARIS: That may be so.

The Hon. Anne Levy: It is a Social Democrat Party.

The Hon. R. C. DeGARIS: People parade under strange names, sometimes. I now refer to the Oregon project completion report, on page 2 of which the following appears:

During that period after the law, average daily traffic increased by 4·5 per cent, making the decline even more significant. Each category of beverage-related litter also showed a significant decline. Other litter, however, did not decline after the law, and in fact increased by 12 per cent. Total litter, as a result, only declined by 10·6 per cent because beverage-related litter (including some items not covered by the law) comprised just 30 per cent of the total.

On page 5 the following appears:

In a series of questions designed to measure their attitudes toward the law, over 80 per cent either found it no inconvenience to return empty containers, or were willing to put up with the inconvenience if it helped to reduce litter. Over 80 per cent also indicated a willingness to pay "slightly" higher prices for beer and soft drinks in order to reduce littering.

That is an important point to bear in mind when dealing with this sort of legislation. On page 1-2 of the report, the following appears:

Before the law, beverage-related litter (including some paper items) had accounted for 30 per cent of all litter . . . During the same period (October, 1972—August, 1973), other litter failed to decline. In fact, on a piececount basis, other litter increased by 12 per cent over its pre-law level while traffic along the sample highways went up 4·5 per cent . . . Publicity at least had no general effect upon litter. It is still possible that the publicity associated with the law may have had some effect upon beverage-related litter without having an effect upon other litter.

I now return to the report brought down in the State of Washington.

The Hon. T. M. Casey: When are you going to get to Alberta?

The Hon. R. C. DeGARIS: It has exactly the same law as Oregon. I have been through the Parliamentary Library and, as far as I know, there is no report there from Alberta.

The Hon. Anne Levy: I will lend you mine.

The Hon. R. C. DeGARIS: I would say that if the report from Alberta is along the lines of the thinking of certain departmental people here, it will be somewhat biased. Let us look at the situation in Washington, where a different approach to this question is taken. In the conclusions, the following appears:

The study has shown that the litter program has achieved an overall reduction of 60 per cent of all litter in the State of Washington since the program was initiated in 1972 . . . The litter problem is closely related to packaging practices. Decreases in over-packaging, and the enhancement of the conservation ethic, are likely to help reduce litter.

A totally different approach was taken to this matter in Washington: it deals with the question of taxing in relation to the whole of the problem, which is far more effective, I think, than deposit legislation.

The Hon. C. J. Sumner: Do you think we can do that here?

The Hon. R. C. DeGARIS: I do.

The Hon. C. J. Sumner: Is there any objection to it constitutionally?

The Hon. R. C. DeGARIS: Yes, there is. I am pleased that the Hon. Mr. Sumner has raised this matter, because I have been working on the Constitution Convention at which many constitutional matters have been dealt with. I agree with the Hon. Mr. Sumner that this approach is difficult in South Australia. However, I think the honourable member would agree with me that, if it could be imposed, there would be a tax on all packaging, with that tax going to the State Government, which could have a programme to control litter and the whole litter problem. This would be a better approach.

The Hon. C. J. Sumner: But you agree that it can't be done?

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

The Hon. C. J. Sumner: Then what is your point in suggesting it?

The Hon. R. C. DeGARIS: If it could be done, it would be a better way of approaching the matter. I think the Hon. Mr. Sumner is on the same wave-length as I am. If it could be done, a far more effective programme could be initiated in relation to litter control.

The Hon. C. J. Sumner: I don't agree with that—just to get it on the record.

The Hon. R. C. DeGARIS: Only because the Chief Secretary told you not to.

The Hon. Anne Levy: He was convinced by my argument.

The Hon. R. C. DeGARIS: He would be the first one in the Council to have been so convinced.

The Hon. D. H. L. Banfield: No, that's not right.

The Hon. R. C. DeGARIS: I suggest to the Council that, if one examines this question with fairness and justice, one must come to the conclusion that, if the State had the power to impose a packaging tax on the whole of the packaging industry and forgot about deposit legislation—

The Hon. N. K. Foster: Are you going overseas shortly, Ren? You must have got a crook old perk out of this.

The Hon. R. C. DeGARIS: I am still completely bushed by the Hon. Mr. Foster's interjections.

The PRESIDENT: So am I.

The Hon. R. C. DeGARIS: I am still puzzled. Apart from the Hon. Mr. Foster's interjections, which I cannot understand, the point I am making is this: if the State had the ability to impose a packaging tax, it could be imposed and a litter programme could be introduced, and that would be far more effective than a Bill like the Oregon Bill or the Alberta Bill. A packaging tax is by far the most effective way to do it, as has been proved by experience in other parts of the world.

The Hon. C. J. Sumner: If it cannot be introduced, surely an alternative must be found.

The Hon. R. C. DeGARIS: I know that it is difficult or even impossible to impose such a tax. The honourable member knows as well as I do that, at the Constitution Convention, Standing Committee B made a recommendation, which was accepted by the convention unanimously, in relation to a reference of powers from the Commonwealth to the States if the Commonwealth agreed that a power should be so referred. At present the Commonwealth cannot refer a power to a State. Under this reference of power, which the Prime Minister has generously presented to the Commonwealth Parliament—

The Hon. N. K. Foster: Is this relevant?

The Hon. R. C. DeGARIS: Yes, it is. The Constitution Convention has made this recommendation, and it will shortly go before the people by way of a referendum; furthermore, it will be passed, because all the States agree. When that goes through, there will certainly be a reference of power from the Commonwealth to the States to impose a sales tax on all packaging to contain the problem far more effectively than does this Bill. At this stage the State cannot impose a tax of this kind, but within six months I believe we will have that power.

The Hon. C. J. Sumner: Do you believe that that is really practical?

The Hon. R. C. DeGARIS: Yes. I know that the honourable member sees fairly closely along the lines to which I have been referring. We know very well that the present system cannot work. How can we have a deposit on a can or a bottle where that deposit is greater than the value of the container? No-one has yet answered my question: when these collection depots are established, how do we prevent—

The Hon. N. K. Foster: The flood from the north or the east!

The Hon. C. J. Sumner: It sounds like a criminal offence.

The Hon. R. C. DeGARIS: It probably is, but that does not stop people doing it, and it will be done. Clauses 7 and

15 provide for a reverse onus of proof. Recently, in dealing with British justice, the Hon. Mr. Blevins said (*Hansard*, page 630):

Probably the only thing that almost everyone knows about the law and justice is that no-one has to prove his innocence of anything. It is always up to the prosecution to prove that the accused person has broken the law. There is no obligation at all on anyone to prove his innocence.

The Minister only has to make an averment, and the accused person then has to prove his innocence. I ask the Hon. Mr. Blevins to examine clauses 7 and 15 and comment on them.

The Hon. J. C. Burdett: He will vote against the Bill.

The Hon. R. C. DeGARIS: All open inquiries and all Select Committees—

The Hon. N. K. Foster: Where is the report of the Select Committee of this Council?

The Hon. R. C. DeGARIS: I am only too pleased to inform the honourable member that I have already dealt with that question, but I will go back over it again for his benefit. Members of the Select Committee appointed by this Council agreed that the Select Committee could not bring down its report as individuals, because the Labor Party had made up its mind. As the Hon. Mr. Foster knows, some Labor Party members oppose this Bill, but they are afraid to stand up and say so.

The Hon. F. T. Blevins: Name them.

The Hon. R. C. DeGARIS: I would not do such a thing in this Council, because it would be embarrassing to so many members. However, honourable members know that this is true. Why all the fuss? They know as well as I know that some Labor Party members dislike this Bill.

The Hon. C. J. Sumner: And some Liberal Party members support it.

The Hon. R. C. DeGARIS: At least they are willing to do it, and they are allowed to do it. Of all the open inquiries conducted on this matter and of all the Select Committees in South Australia, Western Australia, and in the Commonwealth sphere, not one has recommended this approach.

The Hon. N. K. Foster: Why don't you put in a report on behalf of your members on that Select Committee, instead of casting innuendoes in respect of Labor Party members who were on that committee? Why don't you have the guts of your convictions?

The Hon. R. C. DeGARIS: I have the guts of my convictions. No Select Committee and no open inquiry established in Australia to examine this question has come down with a recommendation favouring this approach.

The Hon. N. K. Foster: Why don't you apply what you are saying to the Constitution review committee that you quote so often in this place?

The PRESIDENT: Order! That matter is not before the Council. The honourable Mr. DeGaris.

The Hon. R. C. DeGARIS: Previously I quoted—

The Hon. N. K. Foster: I would like to see this bloke being consistent.

The Hon. R. C. DeGARIS: If consistency comes into it with irrelevant interjections, the Hon. Mr. Foster is consistent. Previously, I quoted from the House of Representatives Select Committee report, which I see the Hon. Mr. Foster has on his table.

The Hon. N. K. Foster: Read its conclusions.

The Hon. R. C. DeGARIS: I shall read all the conclusions.

The Hon. D. H. L. Banfield: Not tonight!

The Hon. R. C. DeGARIS: I shall read the final portion:

312. Special factors exist in the case of 740 ml glass beer bottles which already have a very high rate of return without a deposit through an efficiently organised and long-standing scheme operated by marine dealers. In the interests of uniformity and to ensure continued re-use of this type of container, we believe that the same conditions should apply as to other beverage containers.

313. There are difficulties associated with placing a deposit on an item such as a steel or aluminium can which is greater than its inherent value and for that reason the committee rejected a uniform deposit on all containers as an unsuitable solution.

That is a fairly clear undertaking from the House of Representatives Select Committee, which comprised Australian Labor Party as well as Liberal Party and probably Country Party members.

The Hon. C. J. Sumner: Are there any difficulties in establishing a tax?

The Hon. N. K. Foster: That is the way he is going to get out of this.

The Hon. R. C. DeGARIS: The Hon. Mr. Sumner has been very helpful to me in this speech, and I thank him for that help. Select Committees' inquiries, other inquiries conducted, and research undertaken, show that this legislation will have no great impact on the litter problem, and I believe the Government knows this as well as I do. However, I do not wish to dwell over-long on this point. I return to the statement made by the Premier regarding the Bill's not being proclaimed until June, 1977, which ties in with the second reason why this Bill is being introduced. The first reason is a political one. The second is somewhat different. If the Government intends not to proclaim the Bill before 1977, I see no reason why the Government should not write that into the Bill. Further, as has been found in other parts of the world and as has been recommended by the Federal Lower House Select Committee, the most efficient way to handle the litter problem is by a very small tax on all packaging—

The Hon. C. J. Sumner: Which we cannot impose.

The Hon. N. K. Foster: He knows that.

The Hon. R. C. DeGARIS: —to fund a scheme to handle all litter, coupled with heavy fines for indiscriminate littering. That was a firm recommendation of the Jordan report. If the Government could not impose this, no scheme would operate effectively; that is in the Jordan report, but it was not mentioned by the Hon. Miss Levy. The correct way is a small tax on all packaging to fund a scheme to handle all litter, coupled with heavy fines for indiscriminate littering and with on-the-spot fines for less serious offences. That is the way to make an impact on the litter problem.

The Hon. C. J. Sumner: It can't be done.

The Hon. R. C. DeGARIS: Is the Hon. Mr. Sumner right?

The Hon. C. J. Sumner: You've just admitted it can't be done.

The Hon. R. C. DeGARIS: I do not believe this Bill is the correct medium through which to provide for on-the-spot litter fines. Although I think an attempt was made in another place to do that, I do not believe the Bill is the correct place for it to be done. The State has no constitutional power to impose a small tax on packaging. I think in Washington State it is about one one-hundred-and-fiftieth of a cent on each package; I could be wrong, but it is a very small tax. There is a strong possibility that there could be a reference of powers to the States. I think the Hon. Mr. Sumner would agree with me on that.

The Hon. C. J. Sumner: I suspect there is a remote chance.

The Hon. R. C. DeGARIS: I would be more optimistic. Being a progressive, I would not be so pessimistic. I have been working on the Constitution Convention for some time—

The Hon. C. J. Sumner: And you did a good job, if I may say so.

The Hon. R. C. DeGARIS: Thank you. I know that one of the things in mind is this reference. I can go a little further than the Hon. Mr. Sumner on this. However, I agree that it is not possible for the State to impose such a tax. The State does not have the power, but I believe that, with the co-operation of industry, it is possible to reach a position where we have a voluntary tax accepted by industry and paid to a fund which could then make a tremendous impact on the whole of the litter campaign.

The Hon. F. T. Blevins: Industry has failed to make a submission on these lines. It has written reams of material, but no-one has volunteered to do this.

The Hon. R. C. DeGARIS: Let me assure the Hon. Mr. Blevins that industry would be prepared—

The Hon. F. T. Blevins: Why haven't they told us? They have told us everything else. Every time you go to the letter box there is a letter from Coca-Cola Bottlers or Gadsden. Why haven't they told us this?

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins is sounding more like a Minister every day. Perhaps he can say whether an approach has been made to Cabinet on this question.

The Hon. F. T. Blevins: They constantly approach you, trying to bribe members of Parliament.

The Hon. R. C. DeGARIS: I wish someone could interpret the Hon. Mr. Blevins. The beverage industry would be prepared voluntarily to tax itself and pay the contribution to the State.

The Hon. F. T. Blevins: Have you their authorisation to say that?

The Hon. R. C. DeGARIS: Yes.

The Hon. F. T. Blevins: Then why didn't they tell us?

The Hon. R. C. DeGARIS: They have told us.

The Hon. N. K. Foster: They are about as sincere as you are, I would suggest.

The Hon. R. C. DeGARIS: I think that is hardly a fair comment. The proposition I am making to the Government is this: industry would be prepared voluntarily to tax itself, and there would be about 100 000 000 containers in South Australia, on which a ¼c to ½c tax would return about $500 000 to the State Treasury to handle the whole question of litter. In the meantime, I believe there will be a reference of power to the State to enable it to place a tax on all packaging. Such a contribution would be far more effective in the whole field of litter control than would this Bill. Such a fund, coupled with heavy litter fines and a gathering community awareness through education, would achieve infinitely more than would the Bill, which provides for a discriminatory deposit scheme which never could produce the same result. The Bill, of course, would be the lever to ensure that, prior to the reference of power, the proposed voluntary levy that I am certain industry is prepared to impose upon itself would continue to be paid. I turn now to the point of concern that I am sure all honourable members have already seen. If the Bill passes, the Government or a Minister taking up this suggestion will be in a position to impose a degree of blackmail on the industry, which is a position that should not exist. If the approach I am suggesting is accepted the Government—

The Hon. C. W. Creedon: Isn't that blackmail?

The Hon. R. C. DeGARIS: I am coming to that point; it is an important point, which I accept. If the suggestion I am making is satisfactory—that, because the State has no constitutional power to impose this tax, the industry itself would voluntarily make a contribution to the whole litter problem—this Bill should rest in this Council, and Parliament itself should control the so-called blackmail stick—not the Minister, not the Government, but Parliament itself. The Bill could reach the Committee stage and could then rest in the Council. There is no need to present another Bill to the Council in this Parliament; it could go on to the next session of Parliament. I am certain that this could be done and that satisfactory arrangements could be made in relation to a voluntary levy. Although it may be said that the so-called blackmail stick is held by Parliament instead of by the Government, at least while remaining with Parliament the measure is open to public scrutiny and debate.

The Hon. D. H. L. Banfield: The popular House has already passed this Bill.

The Hon. R. C. DeGARIS: Oh, dear! We have been all through this before. If the Chief Secretary likes to refer to the popular House and keep on interjecting, I will stand here and talk all night about the popular House introducing a measure dealing with emergency powers that would have placed dictatorial powers in the hands of the Government. This Council rejected that measure, and rightly so.

The Hon. D. H. L. Banfield: In your view.

The Hon. R. C. DeGARIS: Not only in my view but in the view of every person who has any understanding of the democratic process, whether in this country or overseas. Giving the Government power by edict to undo any law established in this State for a period of a fortnight was a power that no democratic Parliament should allow a Government to have. If the Chief Secretary wants to talk about the viewpoint of the so-called popular House, I am prepared to stand here until 3 o'clock in the morning and point out to him—

The Hon. N. K. Foster: What about Bjelke-Petersen and the visiting cricket team and the state of emergency that that caused? You have forgotten about that. Get back to the Bill.

The Hon. R. C. DeGARIS: We now have a reference to a visiting cricket team by the Hon. Mr. Foster. Having made a suggestion to the Government that I believe is workable and reasonable and can operate, I should seek leave to conclude my remarks.

The Hon. D. H. L. Banfield: In no way in the world will you get leave.

The Hon. R. C. DeGARIS: As the suggestion I have made—

The Hon. D. H. L. Banfield: Don't say you haven't been warned.

The Hon. N. K. Foster: Can't we come back tomorrow and listen to you?

The Hon. R. C. DeGARIS: My suggestion requires some consideration by the Government.

Members interjecting:

The Hon. N. K. Foster: What about the honourable member sitting behind you? Are the Hon. Mrs. Cooper and her company prepared to give an assurance along the lines it is suggested Gadsden's will? She can get up and talk about it.

The PRESIDENT: Order! The Leader of the Opposition has the floor. Interjections are out of order. I require that all interjections cease forthwith. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: The people who are willing to contribute to this voluntary fund include the South Australian Brewing Company, Cooper and Sons, and Coca Cola Bottlers. I have the list here if it interests honourable members. I make the suggestion to the Government in the hope that it will examine it. Before I continue—

The Hon. D. H. L. Banfield: You can't get leave to continue, so you can go on and on.

The PRESIDENT: Order! The honourable Leader has not asked yet; he has just given a few hints.

The Hon. R. C. DeGARIS: I know it requires the goodwill—

The Hon. D. H. L. Banfield: Your goodwill went out an hour ago. You haven't got it on this occasion.

The Hon. R. C. DeGARIS: —of the Government. It does not require political expediency from the Government. I assure the Government there will be co-operation on my part in the suggestion I have made.

The Hon. D. H. L. Banfield: On a point of order—

The PRESIDENT: Is the honourable Leader seeking leave to conclude his remarks?

The Hon. D. H. L. Banfield: He hasn't asked for it.

The PRESIDENT: Order! The honourable Leader is not seeking leave.

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

ADJOURNMENT

At 10.2 p.m. the Council adjourned until Wednesday, October 8, at 2.15 p.m.