

LEGISLATIVE COUNCIL

Wednesday, November 3, 1976

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

PETITION: SEXUAL OFFENCES

The Hon. A. M. WHYTE presented a petition signed by 16 electors of South Australia stating that the crime of incest and the crime of unlawful carnal knowledge of young girls are detrimental to society and praying that the Legislative Council would reject or amend any legislation to abolish the crime of incest or to lower the age of consent in respect of sexual offences.

Petition received and read.

MINISTERIAL STATEMENT: JUVENILE CRIME

The Hon. D. H. L. BANFIELD (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. D. H. L. BANFIELD: The article on juvenile crime in today's *Advertiser* emphasises statistics which are simply not true. Juveniles are not involved in 84 per cent of serious crime, and the statistics quoted by the Police Department do not suggest this. This figure was arrived at by the journalist in question by adding the proportion of "serious crime" attributed to children under 18 years with those aged 14 years and under. This latter category is, of course, contained in the former, and is so double counted. Thus, on the basis of the offences categorised by the Police Commissioner as serious, only 58.44 per cent should be attributed to juveniles. However, it is the belief of the Community Welfare Department that this percentage overstates the case. In the annual report of the Police Department, Appendix B reveals that some 17 177 persons were apprehended in 1974-75 for all types of offence. The Community Welfare Department states that in that same period 6 747 juveniles appeared before juvenile courts and juvenile aid panels, and this latter figure is less than 40 per cent of the former. A draft statement regarding juvenile offending in 1974-75 was prepared jointly by the Community Welfare Department and the Police Department after the figures were available, and we believe it gives a fairer account of the rise in "juvenile offending" in that year.

It is most regrettable that the *Advertiser* this morning came out with the big headlines that 84 per cent of crimes were committed by juveniles. I hope the *Advertiser* will see its way clear to come out with equally big headlines in tomorrow morning's paper correcting the bad mistake it has made.

QUESTIONS**SOUTHERN DISTRICTS HOSPITAL**

The Hon. C. M. HILL: I direct my question to the Minister of Health. As another correspondent in today's newspaper showed further concern at the lack of hospital facilities in the Port Noarlunga and Christies Beach area—

The Hon. F. T. Blevins: What was his name?

The Hon. C. M. HILL: I think his name was Mr. Wreford. As he called again for an announcement that a Government hospital was to be planned or commenced in that region, has the Minister any further information on this extremely contentious matter?

The Hon. D. H. L. BANFIELD: I congratulate the honourable member on his consistency. It was not another correspondent. The honourable member has mentioned the writer's name. The position about this matter has been reiterated. The honourable member has reiterated it from time to time. I have given him the answer several times, and that answer has not changed.

ROCKY RIVER BRIDGE

The Hon. R. A. GEDDES: On October 19, I asked the Minister of Lands, representing the Minister of Transport, a question relating to repairs to the bridge over Rocky River near Wirrabara and I understand that the Minister has a reply.

The Hon. T. M. CASEY: The possibility of erecting a Bailey bridge over Rocky River just south of Wirrabara has been seriously considered. It was decided not to erect a Bailey bridge, owing to the high costs of associated roadworks and providing protection from flood damage, the need to place a Bailey bridge away from the existing site to enable new bridge works to be carried out, and the presence of the existing detour, convenient for motorists, which will be available except on rare occasions of further flooding. A contract to construct the piles for the new bridge is expected to be let in the near future and a contract for the remainder of the structure let in early 1977.

MEAT SLAUGHTERING

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: I was appalled to read in the weekend press a report indicating that a member of the meat industry union had died as a result of contracting the cattle disease brucellosis. The report indicated that meat was being slaughtered in unhygienic conditions and in some cases was not being inspected at all. Can the Minister outline the progress that has taken place in introducing new meat hygiene standards for slaughterhouses and abattoirs in this State?

The Hon. B. A. CHATTERTON: As the honourable member is probably aware, earlier this year I established an inter-departmental working party to report on meat hygiene standards in South Australia, and this working party has been meeting regularly. So far it has reviewed 21 submissions that have been made by various interested organisations and individuals throughout the State. The working party also has carried out two extensive surveys to determine the hygiene standards that already exist in South Australia's country slaughterhouses. One survey conducted by the working party reviewed the standards in 154 country slaughterhouses and the results provide a picture of the slaughtering establishments, the throughput of these establishments, the facilities available, and the attitudes of those involved in country slaughtering to any changes that may take place in meat hygiene standards. The information is being studied by the working party, which will

present a report early next year. I think that too often comments are made about country-killed meat, without factual information on the actual hygiene standards under which some of this meat is being slaughtered, and I think it shows the need to examine the controlling of hygiene standards for meat coming into any particular area in the State.

The Hon. A. M. WHYTE: I believe that the article to which the Hon. Mr. Cornwall referred was written by Mr. Tonkin, a union representative at Samcor. The other person referred to was a Queensland meat worker associated with Government supervised works in Queensland. Can the Minister clarify the matter?

The Hon. B. A. CHATTERTON: I do not know whether the Secretary of the Meat Industry Employees Union wrote the article referred to. The Hon. Mr. Cornwall asked me a question about meat hygiene in South Australia. I do not know whether that matter is referred to in the article in the paper or the point made by the President of the Housewives Association claiming that country-killed meat was superior to other meat.

The Hon. A. M. Whyte: He referred to the report.

The Hon. B. A. CHATTERTON: The point I was making was that the work I referred to was being done in South Australia at present on meat hygiene standards. I am not aware of who the person was who was referred to by Mr. Tonkin of the Meat Industry Employees Union. Probably the honourable member could find out if he wrote to him.

PORT LINCOLN WHARF FACILITIES

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Leader of the Council, representing the Government.

Leave granted.

The Hon. A. M. WHYTE: Honourable members are aware that expensive and extensive bulk grain loading facilities have been installed at Port Lincoln. Technical problems caused delay in bringing this facility into use. There is also an industrial problem existing at Port Lincoln that has not yet been solved. It would be remiss of the Government and people interested generally in this matter if we waited until a ship called at Port Lincoln to use this facility before the industrial matter was finally settled. Much warning has been given that action will be taken by Port Lincoln wharf labourers unless special provision is made for their redundancy. Will the Minister prevail upon his Government to take the necessary action to ensure that this facility will be in operation in time for the coming harvest, as it seems that since the last rains there are much greater prospects of a reasonable grain intake?

The Hon. D. H. L. BANFIELD: The Government has been concerned for some time about the position at Port Lincoln, and the Deputy Premier has arranged a meeting of the parties concerned to be held in his office on November 8. I hope the matter can then be settled.

GOVERNOR'S SECRETARY

The Hon. J. A. CARNIE: Has the Chief Secretary a reply to my recent question concerning the Governor's Secretary?

The Hon. D. H. L. BANFIELD: Mr. J. S. White will resign from the office of Agent-General and later will be

appointed to the staff of the new Governor. He will not be attached to the Premier's Department or any other department of the Public Service.

The Hon. J. A. CARNIE: Can the Chief Secretary say what the salary of Mr. John White, who will be the Secretary to the new Governor (Sir Douglas Nicholls), will be? Can he also say what is the salary of the present Secretary to the Governor?

The Hon. D. H. L. BANFIELD: I will get the information for the honourable member.

TROUBRIDGE

The Hon. M. B. DAWKINS: Has the Minister of Lands a reply to my question of October 20 about the *Troubridge*?

The Hon. T. M. CASEY: It is not possible to calculate deficits on roads, because there is no direct revenue or income from users of particular roads to offset against known construction and maintenance costs. *M.v. Troubridge* is an identifiable commercial project, and receipts from users can be offset against operating costs. It is necessary to isolate these factors, because such expenditure is not accepted as a contribution by the State under the provisions of the Commonwealth Government's roads legislation and must be excluded from claims for financial assistance.

CORPORAL PUNISHMENT

The Hon. ANNE LEVY: I seek leave to make a short statement before addressing a question to the Chief Secretary.

Leave granted.

The Hon. ANNE LEVY: A report appeared in yesterday's *News* of a statement made by Mr. Kidney of the Prisoners Aid Association. Mr. Kidney also made statements on television on Monday evening and again on A.B.C. radio this morning recommending the reintroduction of corporal punishment for certain classes of criminals. He instanced rapists as individuals who should be subjected to such punishment. However, many eminent criminologists and psychologists have stated that they fail to see how violence such as flogging and caning will do anything to change the attitudes of those who are convicted of violent crimes such as rape. Moreover, they suggest that cold-blooded violence inflicted by the State will only confirm the violent tendencies of individuals who receive floggings. I sincerely hope that the Government is not considering the reintroduction of corporal punishment, and I ask the Minister to confirm that we are not about to return to the barbaric nineteenth-century practice of caning and flogging.

The Hon. D. H. L. BANFIELD: I was also concerned when I read this report in the *News* that there were people with such right-wing views as this gentleman has espoused. However, I can give the honourable member the assurance that the Government is not even considering adopting the views advanced by this gentleman.

The Hon. ANNE LEVY: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. ANNE LEVY: In the article I quoted from yesterday's *News*, Mr. Kidney is also reported as saying that one of the main causes of South Australia's rape rate is the greater availability of pornographic material and R films in this State. Official figures on convictions for rape

show that there was a significantly higher rape rate per capita for Queensland than for South Australia over the years 1969 to 1975 inclusive, yet we are all aware that Queensland's laws on the availability of pornographic material are considerably more oppressive than are South Australia's laws. Further, the South Australian figures for so-called offences against morality show a significant decline since the change in our laws relating to indecent publications. Is the Chief Secretary aware that these official figures give the lie to irresponsible and unsubstantiated statements from members of the Festival of Light, and will he ensure that the correct information is made available to the public, to counter the incorrect statements made by people such as Mr. Kidney?

The Hon. D. H. L. BANFIELD: It is most unfortunate that some members of the public will stoop to various tactics to get publicity, without sticking to the truth. There is no way, other than a publicity campaign, whereby we can bring the facts before the public—that there is a proportionate decrease in crime in South Australia and that our percentage figures are lower than those for Queensland. The Government will consider the honourable member's suggestion to see whether it can bring the true situation to the notice of the public, to dispel fears raised by the gentleman referred to.

The Hon. R. C. DeGARIS: My question is directed to the Chief Secretary. Would he not agree that Mr. Kidney is a man who has given a lifetime to the aid of prisoners and his knowledge is vast in this particular area? Secondly, in regard to the statistics, would it not be more realistic to compare South Australian figures than Queensland figures?

The Hon. D. H. L. BANFIELD: I agree that Mr. Kidney is doing a good job concerning prisoners aid. I do not dispute that at all. However, I think if he oversteps the mark he gets outside of that field, and then knows nothing about the subject. He obviously knows nothing about this but is purely seeking publicity. If he stuck to his own job these problems would not arise.

PRESIDENT'S RULING

The Hon. N. K. FOSTER: I direct a question to you, Sir, in your capacity as President of the Council. I refer to a reference made by you, Sir, when the Hon. Mr. Blevins rose on a point of order yesterday and asked you to control the Opposition, which was absolutely unruly, disgraceful and unseemly. He asked, "In view of your fairness, will you ask the Opposition to shut up?" One could hardly hear what was happening in the Chamber because of the interjections and conduct of the Opposition. I draw your attention to the following passage which appears in *Hansard* under your name:

The debate is getting too political and too far away from the Bill.

Mr. President, I take it that this is a political Chamber and I would like to be guided by yourself as to what areas, or what transgressions, the members of the Council may make concerning politics in the real sense, and at the same time keep in mind what you said yesterday, that the debate was getting too political. I want some definition if I can have it.

The PRESIDENT: All I can say to the honourable member is that I do not propose to answer hypothetical questions. I will give rulings from time to time when I am called upon to do so.

INDUSTRIAL CODE AMENDMENT BILL

Third reading.

The Hon. J. A. CARNIE moved:

That this Bill be now read a third time.

The Hon. D. H. L. BANFIELD (Chief Secretary): I oppose the third reading and do so for the reasons indicated yesterday. The fact is that the Bill, as it now stands, is worse than when the honourable member originally introduced it. We now have a Bill that enables any shop to remain open on any night of the week, provided it is only one night; it is not necessary for all shops to remain open on the same nights. This Bill now allows Myers to remain open, say, on Monday evening, Woolworths on Tuesday evening, David Jones on Wednesday evening, Malcolm Reid's on Thursday evening, and so on, until 9 o'clock.

In drawing up this Bill, the honourable member gave no thought whatsoever to the complications involved in suspending the Industrial Code for one month, or to the transport authorities, which would have to make arrangements to bring people into town, or to the added costs involved in relation to this Bill if it is passed. He has given no thought whatsoever to the shop assistants. As I said yesterday, they can be called upon to work late: they can be called to work on after half-past five. The employer can say, "You have to stay this evening and work." Did the honourable member give thought to these things before introducing the Bill or did it come from the top of his head? It certainly did not come from the retailers. It is true that the demand for a late shopping night has not come from the public, and the unions have opposed it. Where did the honourable member get the idea for introducing a Bill like this when nobody has been pressing for it?

The Hon. C. M. Hill: The people.

The Hon. D. H. L. BANFIELD: What people? There has already been a referendum on similar legislation, and it was knocked back by the people. So there were only two other groups to which the honourable member could go. Obviously, he did not go to the retailers association, because it opposed it at the Liberal Party convention last weekend. It is true that the Liberals carried the resolution. All honourable members opposite came into line yesterday because they were worried about their preselection. That is the reason why every honourable member opposite voted for this Bill. It did not come from pressure from people wanting late night shopping. There is already a provision for a poll to be held in any district to achieve this end, but there has been no approach in that direction for some time. The Hon. Mr. Carnie admitted it. He said that there had been only a 14 per cent vote in a poll at Port Lincoln to retain that shopping district, and he thought that that was not a fair test.

I asked him whether he believed in compulsory voting. Of course he does. People who were interested in the issue in Port Lincoln came out and voted, although it is true that only 14 per cent voted; but they were interested enough to make sure that they retained the shopping district in that area. That was another indication following the referendum. Had the honourable member given the matter more consideration, we could have looked at it again, but in no way did the honourable member consider it carefully; in no way did he indicate to us how the courts could find out what the position would be as regards added payments to shop assistants; in no way did he look

at the transport situation, either. The Bill merely came out of the top of his head. For those reasons, I think the Bill is unworkable. Therefore, I oppose the third reading.

The Hon. M. B. CAMERON: I support strongly the third reading of this Bill. Unfortunately, it is very difficult now, because of certain procedures that must occur in another place, for this Bill to become effective by the time stipulated.

The Hon. D. H. L. Banfield: Could it be because the honourable member did not introduce the Bill earlier?

The Hon. M. B. CAMERON: The Bill has been around for some time. You have done your best to make it appear a very complicated matter. You try to make out that this is a terrible thing that the Hon. Mr. Carnie is trying to do—to allow some freedom in shopping hours for a month before Christmas; it is almost a monumental task to bring about what has already happened in one enlightened town in this State. It is said, "It can be done in Whyalla but it cannot be done anywhere else." The Minister must think that the people of this State are absolutely stupid.

The Hon. D. H. L. Banfield: No—I think you are.

The Hon. M. B. CAMERON: It is a false argument that he has put forward to try to justify what he knows in his heart is a wrong stand, in this instance. He is denying the people the right to try it; he does not want them to try it in case they respond by liking it.

The Hon. D. H. L. Banfield: That is not true.

The Hon. M. B. CAMERON: You know it is. Last night—

The Hon. D. H. L. Banfield: We had a referendum on this matter.

The Hon. M. B. CAMERON: And you know what happened to the referendum, as well as I do.

The Hon. D. H. L. Banfield: Of course I do.

The Hon. M. B. CAMERON: There was a well organised group one way, and the people were fooled by it. They are not demanding that night shopping be got rid of in Whyalla or in other places. Why is that? The Minister says that the Hon. Mr. Carnie got the Bill out of the top of his head, but he used to live close to a place called Whyalla.

The Hon. D. H. L. Banfield: He lived in Port Lincoln, and Port Lincoln did not want it.

The Hon. M. B. CAMERON: You have a problem, too, because your own back-benchers are not with you on this matter. You have had to whip your back-benchers into line. A good example of that was the speech by the Hon. Mr. Blevins, who said he had nothing against the proposal.

The Hon. D. H. L. BANFIELD: Will the honourable member give way?

The Hon. M. B. CAMERON: Yes.

The Hon. D. H. L. BANFIELD: Will you tell me what the voting was at the Liberal Party convention last weekend?

The Hon. M. B. CAMERON: I am happy to answer that: I was not present.

The Hon. N. K. Foster: You are not allowed in there, yet.

The Hon. M. B. CAMERON: As far as I understand it, it was far from unanimous, but it was passed quite well. The Minister has done his best to try to bring politics into this whole debate, saying that there is the terrible threat of preselection hanging over honourable members here. What a load of nonsense!

The Hon. D. H. L. Banfield: Is it? You told me that members would not vote for it, but not one of you missed out.

The Hon. M. B. CAMERON: Of course, because they believe in freedom.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: The unfortunate thing about this is that, if only this was put on a non-political basis by the Government and if the Government allowed members their freedom to vote and did not apply the Caucus rules, as they have on such a simple issue, this matter would pass. I can understand the Chief Secretary's attitude because he is a bit older; he has been around for too long. The younger members of his Party would support it.

The Hon. D. H. L. Banfield: Because of the resolution passed on North Terrace, this Bill will pass through this Council, because of the instructions you got from North Terrace last weekend. Do you want to bet on it? Put your money on it.

The Hon. J. E. Dunford: When are they going to let you into the Liberal Party meetings?

The Hon. M. B. CAMERON: I am ready to continue speaking when honourable members have finished their charade, because these interjections are fairly indicative of the Government's conscience being pricked. Members opposite know that they are denying the people something that would be worthwhile.

The Hon. J. E. Dunford: But the people do not want it.

The Hon. M. B. CAMERON: Members opposite will make sure that the Rundle Mall will be shut and that nobody can do any shopping there, even in daylight hours, at this important time leading up to Christmas. They have almost made it sound as though the Hon. Mr. Carnie is imposing it on the people. What a load of nonsense! The Bill provides:

It shall not be an offence against subsection (1) of this section for a shopkeeper, on not more than one week day in any week that falls within the prescribed period, to keep his shop open after the closing time on that day . . .

What imposition is that on the people? It is giving them a freedom. The Hon. Mr. Blevins has made the position sound as though, if we pass this Bill, no more goods will be supplied to any shops that open, and they may as well close down. I tell him that, if some shops were open and the big shops chose not to open, those that opened would take up the slack and obtain the goods. Let us try to see just what the people will do when this Parliament tries to give them some freedom. I urge honourable members to support the Bill, which is extremely worth while. It does not make a permanent change: it simply tries to give a trial period. If the Minister, by some manoeuvre, is unsure, as I believe he is, that the Bill will not get to the lower House in time, I can tell him that it will not work.

Members interjecting:

The Hon. M. B. CAMERON: All that happened last evening was that Government members opposite voted in a block to stop the Bill, and I ask them not to try to put it over me. I am not that stupid. I assure the Minister that that tactic will not work, because the matter can be raised again if that is what the Minister wants. A Bill can be reintroduced at another time to give a trial period, and I hope that one day the Government will become slightly more aware of the wishes of the people and allow the matter to be tried in South Australia as it operates in other States and in Whyalla. If the Government takes the attitude it is taking, why does it not bring about the death of late night shopping in Whyalla?

The Hon. C. J. SUMNER: I oppose the third reading. During the debate, we heard the usual tirade of hypocrisy from members opposite about how free and independent of their Party organisation they were. Despite an interjection by the Chief Secretary, they kept saying how free they were to vote as they wished. We know what nonsense that is, and the Hon. Mr. Cameron and the Hon. Mr. Carnie know it as well as anyone else, because they were members of the Liberal Movement which said much about the Supply Bill matter last November. Senator Steele Hall castigated members of the Senate for voting as they did on Supply last year. The Hon. Mr. Cameron should stop this kind of hypocrisy. Let us hear what Senator Steele Hall said about the Supply Bill last year.

The Hon. M. B. Cameron: What has that to do with this matter?

The Hon. C. J. SUMNER: It has been introduced in the debate and members opposite seem to have made quite a point about it. I think that is important, and Senator Steele Hall stated:

It has caused them to vote against their conscience. That is the antithesis of liberalism. If one reads the definition of liberalism in any Liberal handout book in Australia one will find that it gives supreme authority to the individual member of Parliament under the Liberal pre-selection system. It indicates that he should be responsible solely to his electorate. In this case, there are good and noble members of this Senate who are not responsible to their electorates for this decision but are responsible to the decision taken by the Federal Council of the Liberal Party. Members opposite know that that is the situation in the big majority of cases, and it is completely hypocritical for them to come in with their two-sided two-faced arguments, as Senator Hall pointed out. The second point I wish to make is in relation to the Hon. Mr. Cameron's rather weak gibes that we favour this Bill. I am opposed to the Bill. I voted against it, and I believe that the question of shopping hours is more complex than members opposite have made it out to be. They have introduced the Bill at this time to gain a few cheap political points, without having looked at the complexities, as I pointed out fully in the second reading debate.

The Hon. Mr. Cameron can be simplistic about this because he has not the responsibility of governing this State. He can afford to support legislation without any thought for the people working in the industry or for the industry itself. Let us not misunderstand the situation so far as members opposite are concerned. I tell the Hon. Mr. Hill that there would be late night shopping in this State if the Opposition Liberal Councillors had voted for it in two Bills dealt with in about 1972. A measure introduced by the Government contained safeguards for the workers in the industry and for the industry generally. Members opposite voted against that Bill, and that is why there is no late night shopping in this State. Those honourable members ought to realise where the responsibility lies. I oppose the third reading.

The Hon. F. T. BLEVINS: I oppose the third reading very strongly, as I opposed the second reading. Much has been said about the position at Whyalla and it has been stated that it is an embarrassment to me that I am opposing the Bill when we have late night shopping there on two nights. I agree entirely with late night shopping in Whyalla. There has been an agreement between the retailers and the unions, and obviously the people who buy in the shops on those nights consider that the agreement is satisfactory. When the same agreement can be obtained in the metropolitan area, I will support that, also. Without knowing

the Government's thoughts I am sure that it would desire to do that. Why would this Dunstan Government, the most progressive Government in Australia, not face the facts?

Unfortunately, I did not hear the Hon. Mr. Dawkins during his ravings yesterday. Evidently, he did not listen to what I said, and I cannot allow his statement to go unchallenged in *Hansard*, lest some person who reads it may think that what the Hon. Mr. Dawkins said about me is correct. The honourable member stated:

He—

that is, me—

referred to increased prices in Whyalla and the great danger to young girls of Whyalla.

That is completely incorrect. It was Mr. Goldsworthy who referred to the problems regarding transport for young girls if late night shopping comes in. In the corridor outside the Chamber, the Hon. Mr. Dawkins said to me, "I was very kind to you yesterday, because I did not say that you had two daughters in Whyalla who work in the stores on Friday and Saturday."

The Hon. Mr. Dawkins does not have to be kind to me at all, because the Hon. Mr. Whyte, the Hon. Mr. Carnie, the Hon. Mr. Cameron and all other honourable members with whom I have discussed this matter have heard me state clearly that I have two daughters who work on Friday night and Saturday morning in retail stores, and I am delighted about it: it is an ideal situation, and I do not want anything at all to interfere with it. The Hon. Mr. Dawkins can rest assured that he need never be kind to me at all. The Hon. Mr. Dawkins went on to say:

The Hon. Mr. Blevins' comments should be published in the *Whyalla News* to show his advocacy of the banning of night shopping in Whyalla.

Where was the Hon. Mr. Dawkins when I was speaking? I did not at any time advocate the banning of night shopping in Whyalla. If the honourable member had been in the Chamber there can only be two explanations: either he is completely stupid or he is deaf.

The Hon. N. K. Foster: It's probably both.

The Hon. F. T. BLEVINS: True, I forgot about that third alternative. However, at no time did I advocate the banning of night shopping in Whyalla. On the contrary. I made clear, from a personal point of view, that with consensus in the industry shops should be able to open at any time they wished, if unions agreed and if the public also agreed and was willing to bear the cost. I have made that perfectly clear, and I take exception to the Hon. Mr. Dawkins' completely mis-stating the position, saying that I advocated the banning of night shopping in Whyalla. All honourable members know that that is not so and that it is an outright lie. I did not do that at all.

The Hon. R. C. DeGaris: It's difficult to follow your logic.

The Hon. F. T. BLEVINS: If the Leader will tell me his problem, I will try to explain it. I have not done well with him and the Hon. Mr. Dawkins, yet all other honourable members know what I have been saying. Does the Leader want me to give way? If the Leader and the Hon. Mr. Dawkins ask me a question, I will sit down. Why does the Leader make this kind of interjection? He should put up or shut up. What is your problem?

The Hon. R. C. DeGaris: It's just that I don't follow your logic.

The Hon. F. T. BLEVINS: I am certain that all other honourable members do. My position is perfectly clear and I will restate it for about the nineteenth time: when

the unions, employers and the public arrive at this consensus, as it applies in Whyalla, I will agree to late night shopping, but what I will not agree to—

The Hon. C. M. Hill: You'll agree if your Caucus lets you.

The Hon. F. T. BLEVINS: It has absolutely nothing to do with Caucus. I have said publicly in this Chamber and privately elsewhere to honourable members that I believe the shop assistants and the meat industry unions will close down shops in the metropolitan area on Saturday mornings if shops open on Friday night. If I was an employee in the retail trade I would be advocating it.

The Hon. M. B. Cameron: Have they done that in Whyalla?

The Hon. F. T. BLEVINS: There is a consensus in Whyalla, and there is not the same consensus in the metropolitan area.

The Hon. M. B. Cameron: Do they close on Saturday morning in Whyalla?

The Hon. F. T. BLEVINS: No, of course they do not. Shops even open on Thursday night, and I am delighted.

The Hon. M. B. Cameron: What are you talking about then?

The Hon. F. T. BLEVINS: The Hon. Mr. Cameron should take up this matter when he has a consensus and can guarantee that shops will not close on Saturday morning.

The Hon. M. B. Cameron: If it were given a trial period, we might find the consensus. We are not doing this forever—it is only for a month.

The Hon. F. T. BLEVINS: Employers will not give a trial period. Does the honourable member naively believe that these unions cannot close down the industry on Saturday morning? Who will get the blame if such a position obtains? Certainly, not the Hon. Mr. Carnie, because no-one has ever heard of him. It will be the Labor Government that is blamed for the closure of shops on Saturday morning. I oppose the third reading.

The Hon. M. B. DAWKINS: I support the third reading, and I find it hard to follow the hypocrisy (to use the favourite word of Government members) of the Government in changing its mind since 1972.

Members interjecting:

The Hon. M. B. DAWKINS: The Hon. Mr. Blevins has referred to what I said yesterday. We are now in the third reading stage of the debate, and doubtless what the Hon. Mr. Blevins has just said will be reported verbatim. However, the honourable member has not been here long, and it may have escaped his notice that in the Committee stage members get only a precis report of their comments. First, the Hon. Mr. Blevins has claimed that I referred to him as "he". However, if the honourable member reads even this precis he will see that when I first referred to him I mentioned his name and said:

Obviously, the Hon. Mr. Blevins in opposing the Bill opposed this clause.

The Hon. F. T. Blevins: What was the next word after that?

The Hon. M. B. DAWKINS: Of course I said "he", but that was after I referred to the honourable member as "the Hon. Mr. Blevins".

The *Hansard* precis continues:

He referred to increased prices in Whyalla and the great danger to young girls at Whyalla.

With respect to *Hansard*, that is not what I said.

The Hon. F. T. Blevins: Have you corrected *Hansard*?

The Hon. M. B. DAWKINS: What I said in detail and what is contained in this report is not exactly—

The Hon. N. K. FOSTER: I rise on a point of order, Mr. President. The Hon. Mr. Dawkins has received a circular under your signature as President, concerning what alterations can be made to *Hansard*, and I suggest that he embellish that information on his mind.

The PRESIDENT: I was not aware that that matter had been raised. We are moving away altogether from the question that this Bill be read a third time.

The Hon. M. B. DAWKINS: I said yesterday that the Hon. Mr. Blevins referred to increased prices—that must also obtain in the city of Whyalla—and I also said that he referred to the great danger to young girls. Again I said, "that also must obtain in Whyalla". Of course, in the precis (and I make no criticism of *Hansard* for this)—it is the practice to make a precis of the Committee debate—the words "which must also obtain in the city of Whyalla" were omitted. By reading only the precis of what I said and by not being in the Chamber, the Hon. Mr. Blevins has completely misinterpreted what I said. That is all I wish to say about this matter.

I find the Government's attitude to this Bill completely incomprehensible. Only last night I read the second reading explanation of the Hon. Frank Kneebone, who sat on the front bench with great dignity. He introduced a similar Bill five years ago, but now the Government is opposing a similar measure. The only difference is that this Bill seeks to implement a trial period of three extra Friday shopping nights in December, whereas five years ago the Government introduced a Bill providing for permanent late night shopping. Now the Government is showing its hypocrisy by denying the possibility of even a temporary trial of late night shopping.

The Hon. F. T. BLEVINS: Will the honourable member give way?

The Hon. M. B. DAWKINS: I do not intend to give way. I do not believe in this give-way rule.

The Hon. F. T. Blevins: You said that I advocated the banning of night shopping in Whyalla.

The PRESIDENT: Order! The Hon. Mr. Blevins must resume his seat. The Hon. Mr. Dawkins has refused to give way.

The Hon. F. T. Blevins: You said that I advocated the banning of night shopping in Whyalla.

The Hon. M. B. DAWKINS: Yes. In effect, you did advocate that.

The Hon. F. T. Blevins: You are a liar.

The Hon. M. B. DAWKINS: I ask the honourable gentleman to withdraw and apologise.

The Hon. F. T. BLEVINS: Everyone knows you are a liar. I did not advocate what the Hon. Mr. Dawkins said I advocated, but I will withdraw and apologise.

The Hon. M. B. DAWKINS: I do not accept that as a withdrawal and apology, because the honourable member has immediately repeated what he said, in effect.

The Hon. F. T. BLEVINS: I again withdraw and apologise, in the knowledge that everyone here knew what was going on.

The PRESIDENT: This extraordinary situation arises from a misunderstanding as to what honourable members are saying. Honourable members are getting so heated and they are roaring at the top of their voices, with the result that one honourable member does not hear what another honourable member says. Consequently, before we know where we are, apologies and withdrawals are sought on the basis of a misunderstanding. It all arises from not conforming to the rules of orderly debate. If an honourable member is speaking on the third reading of a Bill, he ought to be heard in comparative silence. If

there were not so many continual interjections and attempts to make points, maybe the honourable member speaking would be willing to give way to enable other honourable members to make points, but not when this heat is aroused. The Hon. Mr. Dawkins.

The Hon. M. B. DAWKINS: All I wish to say at this stage is that I support the third reading, because the Bill is a worthwhile experiment for only one month. I indicated yesterday that I supported the Bill, because of the Hon. Mr. Carnie's amendment, which improves the Bill considerably. I find it incomprehensible that five years ago the Hon. Mr. Kneebone, for whom I have the greatest respect, introduced a Bill that sought to make this sort of provision permanent whereas now the Government opposes a similar temporary provision. All the Hon. Mr. Carnie is doing is providing for a temporary trial. I therefore support the third reading of the Bill.

The Hon. N. K. FOSTER: I oppose the third reading of the Bill. Before demolishing the Opposition's weak arguments, let me say something about what the Hon. Mr. Dawkins said. I am not a great stickler for rules; if I can see a way around Standing Orders, that is fair enough.

The PRESIDENT: I am sorry, but I have to be a stickler.

The Hon. N. K. FOSTER: If I am disciplined by the Chair, I accept it. One of the worst things one can do is to misrepresent a political opponent and, in defence of that, claim that that opponent was himself guilty of misrepresentation; that tactic is scurrilous. The Hon. Mr. Blevins may come from Whyalla, but he does not represent Whyalla as such.

The Hon. M. B. Dawkins: It is just as well he does not.

The Hon. N. K. FOSTER: He represents the whole State, as does the Hon. Mr. Dawkins. Many honourable members opposite were elected from country areas, and Government members have never said that the Hon. Mr. Geddes ought not to look further than Wirrabara. It is scurrilous for any honourable member to embarrass a political opponent with such a false premise. I am not a stickler for rules, but I stick to a principle. Honourable members opposite should observe the Labor Party's record of recognising the needs and wishes of the public and the industry in regard to shopping hours. The Labor Party has made every endeavour to meet those needs and wishes, but the Labor Party has come under strong political pressure, depending on whether the Liberal Party has been in Opposition or in Government. It is all very well to say that the referendum was indecisive; the fact remains that the referendum was held. If people say that the then Government was in a corner, I will not dispute it. It is indeed a vexed and difficult question. If the industry can come to an agreement, there may be something in the future as regards the industry, but not on the basis of what the Hon. Mr. Carnie proposes.

It is hardly correct to call this Bill a private member's Bill, in view of the decision taken by a political Party last weekend, in accordance with a statement made by the member for Davenport in the House of Assembly on October 8, 1975. At that time the honourable member opposed the measure that was then introduced by Mr. Millhouse, now a member of the new L.M. I will not accuse the Hon. Mr. Carnie and the Hon. Mr. Cameron of still having a Party allegiance to Mr. Millhouse; if they have, that is their business, but for the purpose of this debate let me read a letter regarding traders in the eastern section of Rundle Street. On October 8, 1975, the

Minister of Labour and Industry quoted the following letter from Mr. V. F. Whittenbury, a director of Judds Shoe Stores Proprietary Limited:

For your consideration and information I enclose a copy of a letter I have written to Mr. Millhouse. I sincerely trust you will oppose this legislation so that stability and sanity will survive in our industry.

The Minister of Labour and Industry then said:

That letter is important in itself because it refers to the stability and sanity in the industry, the words of a person who is engaged actively in retail trading and who would understand it in its entirety. For my benefit he enclosed a copy of the letter sent to the member for Mitcham, as follows:

Re trading hours: The report in this morning's *Advertiser* indicates that you do not understand the issue of the so-called "Rebel Traders". With the exception of three or four craft type bric-a-brac traders, the others already have extended licences.

He is referring to the exempt shops in the city. The letter continues:

They are only pressing for extended hours for the owner shopkeeper who does not employ labour. The introduction of unrestricted trading hours will bring chaos, hardship, and bitter employee relations in an industry which has managed stability, efficiency and good public relations, despite keen competition. Please consider these points:

1. Do you also propose to allow shopkeepers to determine employees wage rates, sick leave provisions, penalties, holidays, etc.?
2. Have you considered the implications of large-scale employment of casual labour?
3. To be fair, will you promote the opening of post offices, banks, Government offices, etc., on Friday night and/or Saturday morning?
4. Do you realise that the vast majority of our customers are completely satisfied with the 45 hours per week we now open, and consider that they have ample time to shop?
5. A roster system is of no value to the average shopkeeper employing relatively few assistants. If his shop is open, he must be there.

I urge you to reconsider your proposed legislation. I do not know whether the member for Mitcham replied to that letter.

That is all I want to say in regard to that. I want honourable members opposite to take very serious note of this. We have had a reaction here from a person operating at the eastern end of Rundle Street and, goodness me, Judds Shoe Store has been there for many years. There was a reaction from a retail trader in that particular business sector of the city who pointed out quite clearly the difficulties involved in this type of measure. If I may quote further, what Mr. Dean Brown said in that earlier debate was quite valid, namely:

We believe it would be unfortunate, even though we support the extension of shopping hours, especially the provisions that should apply. In no way will our voting against the Bill be taken, I hope, by people outside the House (people in the media and others), as opposing the liberalisation of shopping hours. It is Liberal Party policy, and it has been enunciated clearly by the Leader of the Opposition in a press statement on August 26, this year, that we support this concept. The member for Mitcham has introduced the Bill in such a form that it will delete all reference to shop trading hours.

This is the very point I was trying to make yesterday about the honourable member not doing his homework. I will continue quoting the debate. Mr. Millhouse interjected and said, "Tell us why? You've said it three times now." Mr. Dean Brown continued:

If I can continue putting the case both for and against, I should like to do so. First, we should assess the effects of removing all restrictions whatever. The cost of commodities would no doubt increase if this measure were passed. It is difficult to ascertain exactly what that increase would be. On my assessment after talking to many traders, it seems that the cost of one or two evenings shopping would increase the wage cost by 10 per cent to 20 per cent.

That is some hefty increase. Did the Hon. Mr. Carnie examine his shadow Minister's speech of only a few short months ago when he gave thought to introducing this Bill? Mr. Dean Brown continued:

If it did, and as wages make up 30 per cent of the gross income, it would seem that automatically there would be an increase in the retail cost of goods between 4 per cent and 7 per cent. It also seems that opening shops generally on one evening a week for three hours would increase the overhead costs by 2.9 per cent. These figures have been backed up somewhat by the increases in cost in other States. Another effect that seems likely is that we would lose Saturday morning shopping. Unfortunately, I think a certain amount of trading-off is being done. Some people say that we either accept Saturday morning trading, with no extension of shopping hours, or we lose Saturday morning and have one evening a week. I believe this trading-off has been done deliberately by the trade unions concerned, to make sure that the community voted against extended shopping hours in the referendum.

Maybe he was right there. I would like to think it was done through consultation within the industry, although there may not have been absolute agreement as far as the employer organisations were concerned at that time. Mr. Dean Brown continued:

The other point is that obviously the extension of shopping hours on a general basis would automatically tend to force a change in the regulations regarding employees and, instead of working on the so-called five-and-a-half day week, employees would be brought back to a five-day week. That would mean that the extra half a day would be worked at overtime rates, which also automatically would increase costs.

I put it to the Hon. Mr. Carnie that his Bill is ill conceived and ill informed and, if he has been given advice on it, he has been grossly ill advised. I say that objectively and not critically.

The Hon. R. C. DeGaris: Are you making a third reading speech or a second reading speech?

The Hon. N. K. FOSTER: That is all you can say. Mr. President, it seems somewhat deplorable to endeavour to reconcile the Opposition with the thoughts of its shadow Minister concerning this matter. Almost all of what I have said is the speech made by Mr. Dean Brown.

The Hon. J. C. Burdett: You should have said all of that in the second reading debate.

The Hon. N. K. FOSTER: You get off your horse; you are not going to provoke me like that at all. You do not know what you are doing. You are stepping into the dark and, unlike your slogan "Turn on the lights", you want to turn them off, but you have turned enough off now. You have done enough damage. You do not want to start doing any more. If a principal storekeeper in this city talked to his colleagues and thrashed the matter out on the basis that they wanted an extension of hours, that is where it should emanate from, and there is no doubt in my mind that the employer organisations would make this course known to the trade union movement in that area. They would also make their views known to those operating the necessary ancillary services involving the delivery of goods, etc., bearing in mind the restricted access resulting from the development of Rundle Mall.

The Hon. M. B. Cameron: How did the mall come about?

The Hon. C. M. Hill: The Government imposed its will on the retail traders.

The Hon. N. K. FOSTER: Although there was bitter opposition to the mall—

The Hon. M. B. Cameron: Like Friday night shopping.

The Hon. N. K. FOSTER: There were people who opposed the Rundle Mall: we know the board of directors of John Martin's showed the greatest opposition to the

Rundle Mall, but there was opposition when shopping centres were mooted for Tea Tree Gully and Marion. The people concerned were only following what had happened in Sydney 10 years previously when Grace Brothers was one of the first firms to go out into the suburbs. There is always initial opposition to these things, but I say now that the Hon. Mr. Carnie should withdraw his Bill.

The Hon. M. B. Cameron: Don't be ridiculous!

The Hon. N. K. FOSTER: No good will be served the community if we continue along this political line. We do not have the right to introduce a private member's Bill on this matter, and the Hon. Mr. Carnie must be certain now that his Bill has wide implications and is not just a little matter of saying that the shops should remain open over the Christmas period.

The Hon. M. B. Cameron: They do in Whyalla.

The Hon. N. K. FOSTER: Coming back to Whyalla, if that is the wish of the people there, fair enough. In that district the people have their rights. How do you suggest that we do it? How would you suggest, at this point in time, that it be done? Does supporting this private member's Bill do that? You are saying, "Let it go to the people", but you are not putting it to the people.

The Hon. M. B. Cameron: Nonsense!

The Hon. N. K. FOSTER: In answer to the Hon. Mr. DeGaris, if the industry could come along and meet the Minister, or even members of the Opposition, and say, "We have had wide consultation within the industry and we have a firm agreement and undertaking", that would be all right; but you will not do it by trying it for a month, because all that time will be used up by differences and objections. Are you telling me that there will be no objections?

The Hon. M. B. Cameron: There will always be some people who will object. You don't know what you are talking about. You are exaggerating.

The Hon. N. K. FOSTER: I will labour it no further; it will be determined on the basis that we are in a position, if we accept what the Hon. Mr. Cameron said just now, for the Hon. Mr. Carnie to withdraw his Bill.

The Hon. M. B. Cameron: You have put us into the position of that being impossible.

The Hon. N. K. FOSTER: No.

The Hon. M. B. Cameron: You could have voted for that motion last night.

The Hon. N. K. FOSTER: In other words, what you are saying is that you have all the rights and we have none.

The Hon. M. B. Cameron: It is something that members on this side have never done.

The Hon. N. K. FOSTER: Rubbish! If we are going to stand here and try to stand high and become 10 feet tall with our Parliamentary procedures, don't tell me, after November 11 of last year, that you do not do those sorts of things.

The Hon. M. B. Cameron: You deliberately stopped it last night.

The Hon. N. K. FOSTER: Don't tell me these things after the way in which your Party carried on with regard to the Budget in the Senate. You should first see that your own nose is clean. You are as crooked as the Governor-General, and you know it.

The PRESIDENT: Order! I will not allow the honourable member to talk about what happened on November 11 last year.

The Hon. N. K. FOSTER: We should be concerned about what we should be doing on November 11 next. However, that is outside this issue. I oppose the Bill on the basis that clearly there has been consultation, that the

Bill is explosive, and that it will increase costs; it will not serve even the short-term interests of the industry if there are people in the industry seriously thinking of improvements in the availability of services to the public. I still implore the Hon. Mr. Carnie, with all due respect, to withdraw the Bill.

The Hon. J. A. CARNIE: I hope it will be possible to bring some measure of sanity into this debate. I have no intention of holding up the Bill any further than it has been held up this afternoon.

The Hon. M. B. Cameron: And last night.

The Hon. J. A. CARNIE: Yes.

The Hon. F. T. Blevins: What about Question Time going on for an hour?

The PRESIDENT: Order! The Hon. Mr. Carnie is endeavouring to reply to the debate.

The Hon. N. K. Foster: We have no intention of stopping him.

The Hon. J. A. CARNIE: I cannot oblige the Hon. Mr. Foster by withdrawing this Bill; I have no intention of doing that. Somewhat hysterically, the Chief Secretary referred again, as he did in the second reading debate, to a referendum that was held six years ago. He referred again to the fact that the voting in that referendum did not support extended hours; it was a very narrow decision. Polls have been taken since then.

The Hon. M. B. Cameron: A lot of the people did not vote then.

The Hon. J. A. CARNIE: Yes. The point I am trying to make is that polls and referendums are not always a true guide. Certainly, much argument has been engendered over both polls and referendums; so we now ask the public to express themselves in the best way possible, by the usage or non-usage of public services, whether or not they want them.

The Hon. F. T. Blevins: What about the shop assistants?

The Hon. J. A. CARNIE: I will answer that in a minute. It was also said that my amendment is worse than the original Bill. I cannot follow the logic of that, because my original Bill allowed shops to be open, and this amendment still allows shops to be open, but on a more restricted basis. I have never expected or wanted the shops to remain open seven days a week, 24 hours a day.

The Hon. D. H. L. Banfield: But your Bill allows it.

The Hon. J. A. CARNIE: Yes.

The Hon. D. H. L. Banfield: Well—there you are!

The Hon. J. A. CARNIE: I am not guessing, because we have the example of what has happened in other States, where shopping hours were unrestricted for all the week, including Saturday morning. What happened there was that, by mutual consent between traders and shop assistants, they settled down to Friday night shopping; I expected something like that in South Australia. I did not want to specify a particular night, because I think the traders themselves should choose that. In Sydney it is Thursday night and in Melbourne it is Friday night; here it could be either one of those nights.

The Hon. D. H. L. Banfield: You were saying that the public was demanding it; now, you are changing.

The Hon. J. A. CARNIE: I am not changing; I am trying to give the public the opportunity of choosing rather than having it foisted on them.

The Hon. N. K. Foster: By way of legislation.

The Hon. J. A. CARNIE: The Hon. Mr. Foster and others have said that the Retail Traders Association opposes this Bill; I agree but I also say that I have had retail traders privately contacting me, and the "fors" and the "againsts" would be roughly equal. At least two of the

retail traders who spoke to me said, "We are opposed to it because we know perfectly well that the public want it and we do not want the whole matter raised again in Parliament." Two retail traders said that to me. The Hon. Mr. Sumner has spoken of hypocrisy, but that word fell rather uneasily from his mouth because he knows well that in principle he believes in unrestricted shopping hours. The Hon. Miss Levy and the Hon. Mr. Blevins also know that they believe in unrestricted shopping hours.

The Hon. F. T. Blevins: I said clearly that I personally believed in that. I only wish it was practicable.

The Hon. J. A. CARNIE: The Hon. Mr. Blevins also said that he wants, in his town, something that he does not want the rest of the State to have.

The Hon. F. T. Blevins: That is not the case. I wish the rest of the State could have it.

The Hon. J. A. CARNIE: We have again had today the threat of industrial action, in that the shops will be closed on Saturday morning by Mr. Goldsworthy and his union. He controls only about one-fifth of the shop assistants in the State, and I doubt that the other shop assistants would do as has been suggested. However, we in this Parliament should not take notice of threats from outside. The Chief Secretary referred to the referendum six years ago, but I claim that that was too long ago for us to take much notice of it. Another thing that happened six years ago was that Myers, at the time of the shopping hours crisis, held a secret ballot amongst the shop assistants asking them whether, if Friday night shopping came in, they would like to work a roster system. I believe that the result was six to one.

The Hon. F. T. Blevins: How was the question phrased? What was the exact wording?

The Hon. J. A. CARNIE: I do not know the exact wording.

The Hon. F. T. Blevins: Therefore, the conclusion drawn can be anything.

The Hon. D. H. L. Banfield: Tell us how the ballot was conducted.

The Hon. J. A. CARNIE: It was conducted as a secret ballot.

The Hon. D. H. L. Banfield: I am asking how the secret ballot was conducted.

The Hon. J. A. CARNIE: I have found, from speaking to shop assistants in Melbourne, that they like the system there, because they have a five-day week and a three-day weekend every second weekend. They would not want to go back to the old system.

The Hon. D. H. L. Banfield: Your Bill does not give them a three-day weekend.

The Hon. J. A. CARNIE: The Bill gets down to a principle that was discussed in this House in 1972, namely, that industrial principles should not be written into Acts of this Parliament, because they are matters for the court. I adhere to that principle. Apart from the effect on shop assistants, the Bill might have an adverse effect on small family businesses. If they wish to open, they will have to open for longer hours, perhaps with some detrimental effect. I point out again that there is no compulsion, but the Bill could be detrimental to them.

The matter of a roster system has been raised, and I have had experience of this. I have been through the whole experience of being a shop assistant, a shop owner, and a shop manager. The shop that I managed recently was open from 9 a.m. until 9 p.m. on the seven days of the week.

The Hon. F. T. Blevins: How did you vote in the Port Lincoln poll?

The Hon. J. A. CARNIE: I voted for the opening of shops. As the Manager of a pharmacy that was open for the seven days of the week, I had to work a roster system, and I preferred that. I would work, say, on Saturday and Sunday and not work on Tuesday and Wednesday, which allowed me to do what I would not have been able to do if I had worked a five-day week.

Nothing that has been said has changed my opinion that the Bill is worth a trial. It provides purely and simply for a trial period, at a time when people will have a more festive approach. Perhaps the time provided for is not a good time, because it is an abnormal period. However, I would bring in a Bill for a trial period in winter also. If the Government, by tactics, will not let the Bill go to the Lower House—

The Hon. D. H. L. Banfield: But it is 3.45 p.m., and you are still speaking.

The Hon. J. A. CARNIE: I take the Chief Secretary's suggestion and ask members to support the third reading. Bill read a third time and passed.

DEFECTIVE PREMISES BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill is designed to fill a gap in the present law relating to contracts for the construction and sale of new houses. At common law when a person engages a builder to build a house, a number of warranties are implied in the contract: first, that the builder will perform his work in a proper and workmanlike manner; secondly, that he will use proper materials in the construction of the house; and, thirdly, that the house, when finished, will be reasonably fit for human habitation. However, an unscrupulous builder can, under the law as it exists at present, avoid liability for breaches of these warranties by including an exclusionary clause in the contract.

The purchaser of a new house is in a weaker position. The doctrine of *caveat emptor* applies to the contract. This means that the vendor is under no general obligation to disclose latent defects in the premises, even though he may be well aware of their existence. Consequently, the purchaser who buys a house from a speculative builder is frequently in a hopeless position if structural defects in the house are subsequently identified.

The present Bill seeks to overcome these weaknesses in the existing law. First, it provides that in a contract for construction of a new house statutory warranties are to be implied. These warranties, which are set out in the Bill, are exactly the same as those that are presently implied by common law in a contract for the erection of a new house. However, the material distinction between the Bill and the present law is that the warranties implied under the Bill cannot be excluded by agreement or waiver of the parties. Thus, an unscrupulous builder is prevented from avoiding obligations which the law has come to regard as fair and reasonable. The Bill also protects the consumer who buys from a person in the speculative house-building business. It provides that the same warranties as to the structural adequacy of the building and its fitness for human habitation will be implied in any such contract. Thus, where a purchaser buys an already completed house, he will have the same rights against the vendor as he would have had if he had personally engaged the builder to build the house for him. The third important aspect of the Bill

is that it provides that the rights to recover damages for breach of a statutory warranty can be exercised by any person who purchases the house within five years after the date on which it was first occupied as a place of residence.

Under the law as it stands, rights to claim for breach of a warranty would not extend beyond the original contracting parties. However, it is obviously desirable that the rights to sue for breach of these important warranties should not be extinguished in an arbitrary manner, but should exist in favour of any person who purchases the house within a reasonable period after the date on which it was first occupied. (Of course, a builder or vendor would, at the expiration of six years from the date on which the cause of action arose, be protected by the Limitation of Actions Act, which generally bars actions based on contract at the expiration of six years from the date.)

A further important provision of the Bill deals with the case where the structural defect in the house arose from the fact that the builder was relying upon professional advice. The Bill provides that in such a case the defendant can seek to have the adviser joined as a party to the action, and where the court is of the opinion that the structural defects arose from reliance on his advice, the damages recoverable for breach of the warranty can be awarded wholly or in part against the professional adviser.

Clauses 1 and 2 are formal. Clause 3 sets out definitions necessary for the purposes of the new Act. Clause 4 contains the statutory warranties to which I have referred above. It provides that those warranties endure for the benefit of persons who purchase the house within five years after the date on which it was first occupied. It provides that, where the structural deficiencies of the house result from reliance upon professional advice, the professional adviser can be joined as a party to the proceedings. It provides that it is not competent for the parties to a contract to waive liability for breach of a statutory warranty. Finally, it provides that the new Act will apply only to contracts executed after its commencement. I commend the Bill to honourable members.

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

RUNDLE STREET MALL ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the principal Act, the Rundle Street Mall Act, 1975, and proposes three principal amendments:

- (a) first, it provides for a change of name of the mall from the "Rundle Street Mall" to "Rundle Mall". This suggestion arises from a unanimous recommendation of the present steering committee which feels that the retention of the word "Street" in the title of the mall is inconsistent with a "pedestrian dominated area free of vehicular traffic";
 - (b) secondly, it increases the maximum liability of the Government by a further \$100 000 to accord with the final cost of \$1 200 000 of the construction of the mall. This increase in liability of the Government is in accordance with the existing agreement reflected in the principal Act between the Government and the Adelaide City Council as to the apportionment of costs of the mall;
- and

(c) thirdly, it clarifies certain powers of the council to make "delegations" under its special by-law making powers.

Clause 1 is formal. Clause 2 amends the definition of "the committee" to reflect the change of name of the mall. Clause 3 affects the change of name of the mall and, in addition, provides that a reference to a place described by reference to that part of Rundle Street that became the Rundle Street Mall and later still the Rundle Mall will for all purposes be a good and sufficient reference. This latter provision has been inserted to allay a certain disquiet expressed by some members of the business community. Clause 4 removes from section 6 of the principal Act the minimum penalty provided for offences in relation to vehicular traffic in the mall. It is felt that this removal of the minimum penalty will give the court a little more flexibility in dealing with offences against this provision.

Clause 5 increases the council's special borrowing powers from \$600 000 to \$800 000 to reflect its share in the total cost of the project. Clause 6 enables the council to confer certain powers, given by its by-laws on the Rundle Mall Committee and clause 7 increases the maximum liability of the Government in connection with the project to \$400 000. Clause 8 formally changes the name of the Rundle Street Mall Committee to the Rundle Mall Committee. Clause 9 is consequential on clause 6. As this is a hybrid Bill a Select Committee from another place examined it and the committee's recommendation has been put into effect in another place and conforms with the views put forward by people concerned with this matter.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill makes minor changes to the principal Act. I have examined the Bill and find there is little comment I need make. The Bill is as has been outlined by the Minister in his second reading explanation. It deals with the change of name from "Rundle Street Mall" to "Rundle Mall", it increases the maximum liability of the Government by a further \$100 000, and it clarifies certain powers of the council regarding delegations under its special by-law making powers. The provisions are realistic and have been examined by a Select Committee?

The Hon. D. H. L. Banfield: Yes.

The Hon. R. C. DeGARIS: As it has been examined by a Select Committee from another place I support the second reading of the Bill.

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

PRICES ACT AMENDMENT BILL

(Second reading debate adjourned on November 2. Page 1772.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. J. C. BURDETT: I move:

Page 1, lines 13 to 15—Leave out all words in these lines.

The effect of this amendment is to delete the new definition of "service", which is far too wide and which is unnecessarily wide. The definition of "service" appearing in the principal Act will remain if this amendment is carried, and that definition provides:

"service" means the supply for reward of water, electricity, gas, transport, or other rights, privileges or services (not being services rendered by a servant to a master) by any person (including the Crown and any statutory authority) engaged in an industrial, commercial, business, profit-making or remunerative undertaking, or enterprise:

The original definition is sufficiently wide, and there is no reason why it should not stand. It is valid to retain the latter part of that definition which confines the supply to any person engaged in an industrial, commercial, business, profit-making or remunerative undertaking, or enterprise. It seems reasonable to confine the definition of "service" in prices legislation in this way. It has not been suggested that this definition has caused any problems. In fact, the only problem that could arise is that these words might be construed *ejusdem generis* and might be construed in an unduly narrow way. When one recalls that the move to control doctors' fees was upheld by the courts, it is difficult to suppose that the present definition in the principal Act will be unduly narrowly construed by the courts. The following is the only explanation given for the new definition:

It recasts the definition of "services" in the interests of clarity.

Actually, this new definition is not in the interests of clarity at all. It does not clarify; rather, it obscures. The new definition is so wide that it is meaningless, and it has not been suggested that there is anything wrong with the existing definition. I do not see any reason to suppose that the existing definition will cause any trouble; it has not been unduly narrowly construed, and it is useful and reasonable to confine the definition of "services" in the Prices Act to persons engaged in an industrial, commercial, business, profit-making or remunerative undertaking or enterprise; that is fairly wide and it surely covers all the fields that one would want to cover in connection with a Prices Act.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendment, which affects the proposed new definition of "service". The purpose of the new definition is to enable the Commissioner to act on behalf of consumers who have complaints relating to insurance policies or who are tenants of residential premises. The Commissioner and the Government have been concerned at the adequacy of the existing definition since the decision of the Full Supreme Court of South Australia in the doctors' fees case. The argument put in that case was that the words "other rights, privileges or services" in the existing definition were limited by the words preceding them in the definition. Although that argument was not accepted by the court in that case, there is still considerable doubt that the existing definition will "stretch" to cover the subject matters of insurance and residential tenancies. For those reasons, I ask the Committee not to accept the amendment.

The Hon. J. C. BURDETT: The present definition in the principal Act would extend to the two matters to which the Minister referred—insurance charges and tenancy agreements. If they are comprehended within the Bill, they are comprehended within the definition in the parent Act; the same words are used, the only difference being that in the definition in the parent Act there is a restriction to persons engaged in an industrial, commercial, business, profit-making or remunerative undertaking or enterprise, which an insurance company or a landlord clearly would be. So there can be no suggestion that the definition

in the Bill would comprehend insurance companies and landlords whereas the definition in the principal Act would not. Secondly, controlling insurance company charges and rents has usually been undertaken in Acts other than the Prices Act. If the Government is contemplating controlling insurance premiums and rents in the Prices Act, it is seeking to do so in the wrong place. In any event, if such charges are comprehended in the definition in the Bill, they are certainly comprehended in the definition in the principal Act.

The Hon. D. H. L. BANFIELD: I can only stick to what I have said. Because some doubt has arisen about the existing definition, I again urge honourable members not to support the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): Can the Hon. Mr. Burdett say how wide the new definition in the Bill is?

The Hon. J. C. BURDETT: The new definition is as high as the sky and as deep as the sea. I point out that it is a right or privilege to walk across the street or to belong to a club. I see nothing wrong with the existing definition in the parent Act.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. B. A. Chatterton.

The PRESIDENT: There are 9 Ayes and 9 Noes. I understand that this amendment has never been considered by the House of Assembly and, in order to enable that House to do so, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 3 and 4 passed.

Clause 5—"Determination of minimum price for grapes."

The Hon. J. C. BURDETT: I move:

Page 2—

After line 35 insert:

(5) In determining the terms and conditions referred to in paragraph (b) of subsection (4) of this section the Minister shall not differentiate as between purchasers.

Line 36—Omit "(5)" and insert "(6)".

Under this clause, the Minister can determine the terms of payment for wine grapes. The purpose of this amendment is to make clear that the Minister cannot exercise this power in a discriminatory way: he cannot discriminate between various purchasers. As I said yesterday, I do not suppose it is likely that the Minister would do so, but it would be palpably unjust if he allowed more liberal terms to one winery than to another. As this Government has often said it is opposed to discrimination of any kind, I trust that it will accept the amendment.

The Hon. D. H. L. BANFIELD: Because the Government is opposed to discrimination, there is no way it would differentiate between purchasers. It always amazes me how members opposite become very suspicious. They must be looking to the dim dark future when there is a possibility of a change of Government, and we shall have a Government that cannot be trusted. However, we will accept the amendment.

The Hon. R. C. DeGARIS: The Minister's explanation is rather interesting, because we have had cause not to trust the Government in relation to discrimination concerning certain people. I can give examples, and there have been times I have quoted them in this Chamber. I quote the case of the acquisition of land from a gentleman in Burbridge Road where there was discrimination against one person, and this was reported on by the Ombudsman. If the Minister reads the Ombudsman's report he will see exactly where discrimination occurred there. Is it the Government's intention to include co-operatives in this clause, or only proprietary wineries?

The Hon. D. H. L. BANFIELD: I think the clause covers only wineries.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill read a third time and passed.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 2. Page 1770.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading. In 1969 a Ministerial and officers' conference was convened to discuss drug usage in Australia. The conference represented at that stage State Police Departments, Ministers of Police, Commonwealth Police, Commonwealth and State Health Ministers, and officers, including heads of departments. That conference virtually laid the guidelines for the legislation that we have on the Statute Book today, not only legislative guidelines but also policy formulation for the handling of licit and illicit trafficking in drugs in Australia. Apart from licit dealings in Australia involving drugs, which dealings are extremely important, there is also the illicit trafficking in drugs which is causing a tremendous amount of concern in the community. Following that conference, the penalties were, by a consensus of opinion, substantially increased, and the legislation following that conference is the legislation that we now have, I think fairly uniformly throughout the States and Commonwealth.

Last month in Melbourne a conference was held of the various States responsible for health and police administration, and that conference met to consider the recommendations that have been made by the National Standing Control Committee on Drug Dependence. That committee proposed increased fines for drug trafficking to \$100 000 or imprisonment for 25 years, or both. I think we all appreciate that illicit trafficking in drugs is a very lucrative business, and that every country in the world at present is concerned about the number of people who are dependent on drug use. Every country has attempted various methods of controlling this traffic.

It is fair to say that, on the statistics, no country has enjoyed very great success in achieving a decline in the number of people dependent on the use of drugs. Indeed, the statistics show that in most countries there is still an increasing use of drugs of dependence. They also show that that use is moving more to what we may term the hard drugs or the hard drugs scene. Any legislation that would reduce the amount of trafficking would be supported by any Parliament, and I hope this Bill will be uniform legislation throughout all States.

However, I should like for a moment to examine whether this sort of legislation will really have any success in reducing the amount of drugs in our society. Countries all around the world have made various approaches and, where the penalties are severe, unfortunately there has been no reduction in drug usage; nor has there been any reduction in the number of people trafficking in drugs.

The Hon. F. T. Blevins: It is the law of diminishing returns: you can increase the penalties as much as you like, but it makes no difference.

The Hon. R. C. DeGARIS: That appears to be the situation, if we examine the statistics.

The Hon. F. T. Blevins: I agree with you.

The Hon. R. C. DeGARIS: At the original conference of Ministers concerned with this problem (when I had at that time two portfolios—police and health) it was unanimously decided that there should be heavy increases in both monetary penalties and terms of imprisonment for drug trafficking. At that time, we thought it might have some effect, but I think we all agree that there is an increase in South Australia in the use of drugs of dependence; and we also agree that there is an increase in the use of the harder type of drug. This is the picture, of course, right around the world. We must face reality when we see the statistics on these matters.

The Hon. J. R. CORNWALL: Will the Leader give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. J. R. CORNWALL: When you talk about hard drugs and drugs of dependence, would you clarify that?

The Hon. R. C. DeGARIS: I do not think I can; there are a number of definitions. We can go through the barbiturates, for instance: there are several drugs of that type, although some drugs of that type may not be included in the hard drugs.

The Hon. J. R. Cornwall: Are you talking about opiates when you talk about hard drugs? You are talking about drugs of dependence?

The Hon. R. C. DeGARIS: I am talking about drugs of dependence. It is a very difficult term to define, as the Hon. Mr. Cornwall will agree. The difference between a soft drug and a hard drug is difficult to define.

The Hon. M. B. Cameron: Or addictive or non-addictive drugs.

The Hon. R. C. DeGARIS: Once again, there is great difficulty in deciding what is and what is not an addictive drug, because glue or petrol can be an addictive drug; so it is difficult when we come to try to define what is an addictive drug and what is not.

The Hon. J. R. Cornwall: I am thinking in the physical sense.

The Hon. R. C. DeGARIS: Yes, in the physical sense. My point is that there are people who are addicted to glue; that is in the physical sense.

The Hon. F. T. Blevins: It does not have to be a physical addiction—it could be mental dependence.

The Hon. R. C. DeGARIS: There could be a mental addiction to hard drugs; it is very difficult—

The Hon. F. T. Blevins: I agree.

The Hon. R. C. DeGARIS: —to define what is a hard or soft drug and what is addictive or non-addictive. It is impossible to have a firm definition covering all areas of addiction to either a drug or perhaps not a drug.

The Hon. M. B. Cameron: Even nicotine is a drug.

The Hon. R. C. DeGARIS: Of course it is, although it probably does not do very much harm, anyway. The area of concern in any community about the use of drugs is their

effect on young people, especially the age group from 12 years to 18 years. It is a fact that, where people rely upon the drug trade for their money to buy the drugs of dependence that they require, there is in that young group an untouched market for them to exploit. I think every honourable member will agree with me when I say that. The drug trafficker, the person who is pushing drugs, is often a person who is addicted and uses this method as a means of getting the drugs on which he depends; and there is a pressure on that person to open new markets for his own exploitation. I make the point as strongly as I can that in this area, where a person is drug dependent and has to find a means of obtaining his supply, he becomes a pusher, irrespective of the penalty that applies.

The Hon. F. T. Blevins: That is exactly right.

The Hon. R. C. DeGARIS: I am pleased that the Hon. Mr. Blevins agrees with me because, when we both agree on something, it must be right; there is no other possibility. I stress that we must accept the fact that, no matter how strong the penalties are, that group will continue to try to expand its market, and that market into which it expands is always the young in the community. I think the Hon. Mr. Blevins would agree with me on that.

Around the world, there have been some different approaches. My approach so far has been that it is necessary in Australia that we try to take the hard approach in relation to drug dependence, drug use, and drug trafficking; but how do we prevent drugs coming into this country, with its vast coastline and the easy movement there is from the source of supply into this country? This country has always been on the route to the more lucrative markets for the illicit drug trade; drugs have been passing through Australia *en route* to the more lucrative American market. Now there is a gathering lucrative market in Australia, and this is a problem that we must face. It is almost impossible, in a country of this size and with the coastline that we have, to prevent the movement into the country of the more serious drugs of dependence.

I support the idea of harsher penalties, but experience around the world shows that it is extremely doubtful that this approach will give any real protection to the group of people that I believe deserve the strongest possible protection, namely, the young people who become addicted for the purpose of another's exploitation. There is only one country that I know of that has taken a different approach and in that country there has been a remarkable drop in the addiction of young people. I have referred previously to the position in Holland, and I recommend that members examine that system.

There should be, in this Parliament, a joint Parliamentary committee that is prepared to examine, outside Party politics, the whole approach to the drug problem. I am not suggesting that South Australia should step out of line, and we should be careful that we do not do that. What we do must remain uniform with what the Commonwealth and other States are doing. In examining the question, the thing that should be borne in mind is the question of the best means by which that group that has less means than any other to defend itself against the pusher and the peddler can be protected.

I see no reason why this State, which in many cases is the first cab off the rank, should not take the lead in examining all the policies on drug dependence. However, it is important not only that the people should be educated in the problems of drug dependence but also that we should advocate policies that protect the people who have no possible hope of defending themselves against the movement into the market place of hard drugs. I support the

second reading and believe that we are doing the right thing in holding to the hard line regarding drug peddlers and pushers. I recommend to the Government and the Parliament that we should examine all the facilities at our disposal that will give better protection to the young.

The Hon. J. A. CARNIE secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

In Committee.

(Continued from November 2. Page 1777.)

Clause 3—"Objects of this Act."

The Hon. R. C. DeGARIS (Leader of the Opposition): I think the correct procedure would be to go through the Bill quickly in Committee and then recommit it and go back through it a second time. That is because several honourable members have various views on the Bill and amendments may or may not be carried.

The CHAIRMAN: Are you suggesting that, if we go through it once and the Committee reports, you may then be in a position to recommit certain clauses?

The Hon. R. C. DeGARIS: I would prefer to have the whole Bill recommitted. In clause 3, the Select Committee has tried to outline the six objects of the Act and in my opinion they are not wide enough to encompass those objects. In South Australia we have had a rather unique health delivery system. More than any other State, this State has depended largely on the autonomy of the voluntary organisations, and on people being responsible for the provision of many of our health services. Over the years we have involved local government to a much greater degree than has any other State in hospital history. The objectives of our health delivery system should be more clearly recognised in clause 3. I do not believe the Minister will disagree to the amendment to be moved by the Hon. Mr. Burdett.

The Hon. J. C. BURDETT: I move:

Page 2, lines 3 to 5—Leave out paragraph (d) and insert paragraph as follows:

(d) the establishment of regional authorities and the delegation of responsibilities and functions of the commission in so far as they affect the various regions of the State, upon those authorities;

This wide Bill does not spell out the functions or the powers of the commission in great detail, as I stated in the second reading debate. It seems anomalous that councils, often with limited power, have to search through the complex Local Government Act to see whether they can take action on a matter and finding, if that matter is not dealt with by the Act, that they cannot. As the proposed commission is infinitely more powerful and has its objectives set out in clauses 3 and 16 (but for the recommendation of a Select Committee in another place we would not even have the objects included in clause 3 at all), it is important to know what the Bill is setting out to do. By setting out the objects, if it is ever thought that the commission is tearing off in the wrong direction, people can check the objects and see what exactly is the position.

The amendment to this important clause merely deletes paragraph (d) and inserts a more adequate and more developed provision, because the existing paragraph (d) says nothing about the establishment of regional authorities, especially concerning the delivery of health services.

The use of regional authorities is important, as is the delivery of health services, and some functions are best delivered at the regional level. It is most fitting (and a later amendment supports this) that lower echelons in the delivery of health services are involved and are provided for in the Bill. This amendment provides for the establishment of regional authorities, as well as providing for delegation.

The Hon. D. H. L. BANFIELD (Minister of Health): Although I do not believe that it spells out the provision any better than at present, I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—"Constitution of Commission."

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

That consideration of this clause be postponed until after clause 65 has been considered.

I have moved this motion because there is an amendment on file, and an amendment is being drafted for me.

Motion carried.

Clauses 9 to 15 passed.

Clause 16—"Functions of the Commission."

The Hon. J. C. BURDETT: I move:

Page 7—After line 36 insert subclauses as follows:

(3) The Commission shall, in carrying out its functions, act wherever possible in a manner calculated to encourage participation by voluntary organisations and local governing bodies in the provision of health care.

(4) The Commission shall establish regional and local authorities for the provision of health services in the various regions and local government areas of the State.

It is essential to ensure in the Bill as far as possible that there is maximum participation by voluntary organisations, local government bodies, and regional and local authorities.

The Hon. D. H. L. Banfield: What do you mean by local authorities?

The Hon. J. C. BURDETT: I mean any authority that is localised in a particular area. The word "regional" was used by the Whitlam Government. I would construe "local" as indicating a smaller area than does "regional". One of the reasons why I have included "local" is that "regional" has recently taken on a particular connotation. Mr. Whitlam said that he was a centralist and a regionalist and that he wanted to set up regions that would be subservient to a central authority.

The Hon. J. R. Cornwall: It was Mr. Chifley who originally talked about regionalism.

The Hon. J. C. BURDETT: Maybe, but Mr. Whitlam was reported as advocating it. The word "regional" has therefore often been taken to indicate that sort of regionalism. I included "local" in my amendment to make clear that I was not supporting regionalism in that sense.

The Hon. D. H. L. Banfield: You have not said "regional or local" in your amendment: you have said "regional and local".

The Hon. J. C. BURDETT: It is conceivable that we could have in South Australia two or three regional authorities and also within those regions smaller local authorities.

The Hon. R. A. Geddes: Where there is a specific need.

The Hon. J. C. BURDETT: Yes. Some health services are delivered at the point of delivery in a very localised way. It is important to involve the people who deliver health services in the working of the legislation, so that they are not just servants who deliver services but they are involved in part of the workings of the commission.

It is important to make clear that local government, voluntary organisations, and regional and local authorities should be involved. My amendment strengthens the Bill to ensure that proper regard will be had to local government, voluntary organisations and regional and local authorities. Clause 16 (1) provides:

The function of the Commission is to promote the health and well being of the people of this State and, in particular:

(a) to institute, promote or assist in research in the field of health and health services;

I want to strengthen that provision by requiring the commission to do what is outlined in my amendment. I was impressed by the evidence given to the Select Committee of another place by voluntary organisations. Further, some of the representations made to honourable members of this Council have come from voluntary organisations, from local government, and from county boards of health. This has been a trend in many of the contacts I have had. Voluntary organisations, particularly SACOSS, local government and county boards of health, have suggested that there ought to be a more specific requirement that they be involved in the workings of the commission. They have expressed disappointment that it was not more clearly spelt out that they were to play their part.

I do not suppose for a moment that, if the commission did not do what it was directed to do, there would be any real possibility of taking out a writ of *mandamus*. My amendment will not tie the commission's hands unduly: it simply spells out the directions. The Bill amounts to the terms of reference to the commission from the Parliament. I have pointed out before, particularly in a Bill of this kind, where very wide power is given and there is a very powerful commission and where its powers are detailed so little, that it is desirable that anything which Parliament thinks ought to be included in the terms of reference should be included, and I therefore move this amendment.

The Hon. A. M. WHYTE: I ask for clarification, not having a dictionary with me, concerning the Hon. Mr. Burdett's interpretation of "regional". I do not think his amendment is quite what it should be. I ask for further clarification from the honourable member because it was part of medical plans some years ago to regionalise medical services in the State. It appeared at that time to most authorities that the bigger hospitals would become bigger and the little hospitals would become first-aid, geriatric hospitals. The wording, to my mind, is not what I imagined it should be. I agree with the honourable member that we ought to be thinking about as much local participation as possible and reserve that amount of authority for the people who are most concerned with their localities. I presume this is what the honourable member intends but, once again, I am puzzled by the wording.

The Hon. J. C. BURDETT: I am pleased to note that the honourable member does agree with me that it is desirable to ensure that local organisations do have some say and that local authorities are established and have powers delegated to them. The honourable member, like most of us, has been frightened by the way in which the term "regionalisation" has been used, and where it has been taken to mean the taking away of local authorities and the establishing of large regions. I point out to the honourable member that what he is afraid of is possible at the present time and would be possible if this amendment is passed. The honourable member is afraid that large base hospitals would be established and that our present splendid system of small hospitals, scattered throughout the countryside, would largely be done away with and their fairly wide functions would be diminished.

It certainly was not my intention to bring that into being. It is purely a matter of policy and it will be a matter of policy for this commission. There is surely some useful purpose in having the central authority (the commission), regions at the lower level, and local authorities, where required, at lower levels again. I believe our system of hospitalisation is probably unique in the world and it largely stems from the scattered nature of the country and the low population density. I do fear, however, that whatever occurs, both with the amendment and the Bill, probably the situation is arising where there is going to have to be a greater degree of regionalising of health services, particularly hospitals.

It appears to me, with the specialisation which has come about at the present time, and with the extremely expensive equipment which is necessary, that whether we like it or not we will come to a situation where perhaps less will be able to be done in the way of treatment in small hospitals and there will have to be some sort of system of base hospitals. The purpose of the amendment is to ensure that all power involvements are not retained centrally by the commission but are distributed to broader regions, and, where needed and where possible, to smaller local authorities.

The Hon. A. M. WHYTE: I know that the Hon. Mr. Burdett is usually right in these matters but I still question whether his amendment achieves what he is setting out to do. Since the Bill is to be recommitted, I would like to move that further consideration of this amendment be deferred until such time as the Bill is recommitted.

The Hon. R. C. DeGARIS: I appreciate very much what the Hon. Mr. Whyte has said, because I think in drafting the amendment the Hon. Mr. Burdett had in mind the exact thing that the Hon. Mr. Whyte was talking about. I do not know how you overcome this question of definition of regionalism and the question of local involvement because one must understand that this is a Bill to set up a Health Commission that will have very wide powers over a great range of health services. The Bill is not restrictive to the provision of health services. We must accept the fact that there is a case for some regionalisation. Already we have regions in regard to our subsidised hospitals that meet regularly at the present time to discuss their particular problems.

There has been a developing regionalism in relation to the services provided by a group of small hospitals so that specialties are available over the whole area and those specialties are spread throughout the various small hospitals. I understand perfectly what the Hon. Mr. Whyte is concerned about, and it is a problem that also concerns me. I do not know how one applies a greater stress upon local as opposed to regionalism. In 1949 (I think it was), when a report came down on the regionalism of hospitals (a Commonwealth document), it was suggested that base hospitals should only be located in a 75-mile radius, and I think that is the point that the Hon. Mr. Whyte is concerned about. There is no question that this Government or any other Government in the future could adopt such a policy, irrespective of how we draft this amendment.

The Hon. A. M. Whyte: I wonder whether the amendment would make it any better.

The Hon. R. C. DeGARIS: I think it has because for the first time there is further stress placed upon "region" and "local", and there is a specific direction. There are other areas of health: for instance, the group laundry or laboratory facilities, which can operate only on a regional basis. In many cases, there must be a regional approach to a specific problem, but at the same time we must be

careful that, in that regional approach, we do not totally remove responsibilities at the local level. I appreciate the problem here.

The Hon. D. H. L. BANFIELD: I think subclause (3) covers it.

The Hon. J. C. Burdett: It is to be mandatory.

The Hon. D. H. L. BANFIELD: The suggested subclause (4) provides:

The commission shall establish regional and local authorities . . .

I am a little concerned about the "local" aspect, because already local government is involved in the distribution of health services. Are we to set up another local authority that will be carrying out work already being done?

The Hon. R. C. DeGaris: No.

The Hon. D. H. L. BANFIELD: I want to involve local government. Why do we not consider this wording—"The commission shall establish, as required, regional and local authorities for the provision of health services"? I do not want to take anything away from what local government is already doing. Part of the amendment provides:

The commission shall establish regional and local authorities for the provision of health services . . .

Is that in addition to local government?

The Hon. J. C. Burdett: No.

The Hon. D. H. L. BANFIELD: How are we to define what is to be done by local government and what is to be done by the local authority that the commission is directed to set up, unless we insert the words "as required"? Then, if local government is doing the job satisfactorily, a local authority is not required; but, if local government is not entering a certain area, a local authority will be required. However, we do not want to assume that a local authority set up by the commission will take anything away from local government that is already doing a good job. Perhaps we could insert the words "as required" after "establish" and the words "and/or" after "regional". That would be acceptable on the understanding that a local authority is established "as required". The commission no doubt might say, "Very well; a local authority is not necessary as local government is doing very well." We do not want the establishment of another small authority unnecessarily.

The Hon. J. C. BURDETT: I am grateful to the Minister for his co-operation in this matter. At present, the wording of the clause "The function of the commission is to promote the health and well being of the people of this State" does not refer to regional organisations. I find that so many people are concerned about there being no requirement or guarantee that local authorities are to be involved. Because this short and broad measure constitutes the only terms of reference to the commission, I wanted to try to ensure in this way that local government and voluntary organisations would be involved, and also regional authorities. I am happy to accept the Minister's suggestions.

The Hon. D. H. L. BANFIELD: I have had another look at this, and suggest the wording "as required, if possible", because there may be occasions when we know a local authority is required in an area but we may not have the expertise to provide it.

The Hon. J. C. BURDETT: I am happy to accept that suggestion, provided the requirement is there that it is mandatory for the commission to operate in this way. If that is there, I do not mind the inclusion of the words

"as required, if possible" and the words "and/or". I think the best way of dealing with this is for this clause to be recommitted at the end of the discussion on it, for other honourable members will wish to speak on it. Further consideration of this clause could be postponed until after the other parts of the Bill have been considered. I think new subclause (4) could be redrafted to include the Minister's suggestions.

The Hon. M. B. DAWKINS: I think the words "The function of the commission is to promote the health and well being of the people of this State" which begin clause 16 are some of the most important words in the Bill. I commend the Hon. Mr. Burdett for moving the amendment to this clause. I think the words "The commission shall, in carrying out its functions, act wherever possible" in the suggested subclause (3) are important, because it means there will be no duplication with regard to that clause. I am pleased with the Minister's suggestions this afternoon about subclause (4); they are well worth while considering. I am pleased that the Hon. Mr. Burdett has accepted them. I believe that the proper procedure now is to postpone the clause until the Parliamentary Counsel can put in black and white what the Minister has suggested, to which the Hon. Mr. Burdett has agreed. I expect that the suggested alterations to subclause (4) will be a valuable addition.

The Hon. D. H. L. BANFIELD: I understand that the provision will be to the following effect:

The Commission shall, in carrying out its functions, act wherever possible in a manner calculated to encourage participation by voluntary organisations and local government bodies . . .

The Hon. J. C. BURDETT: Yes, that is the understanding. I will have the amendment drafted.

The CHAIRMAN: I suggest "practicable" may be better than "possible". Anything is possible.

The Hon. D. H. L. BANFIELD: I suggest that the clause be postponed and considered further after clause 65.

Consideration of clause 16 deferred.

Clause 17 passed.

Consideration of clause 18 deferred.

Clause 19—"Officers and employees."

The CHAIRMAN: I make my own observation that clause 19 seems to provide for the appointment of employees and officers and for the use of the services for the commission, but it does not say anything about the advisory committee or committees. That matter may have to be considered.

The Hon. D. H. L. BANFIELD: We will look at the Bill thoroughly. There seems to be an omission.

Consideration of clause 19 deferred.

Clauses 20 to 25 passed.

Clause 26—"Incorporation, etc."

The Hon. M. B. DAWKINS: The Minister has referred to the fact that I discussed clause 26, and he said:

This clause provides the authority to enable a change to be made to the name of a hospital or health centre. Such power would be exercised at the request of such hospital or health centre and there would be no objection to the addition of words to indicate that such change is to be made "at the request of".

Therefore, I move:

Page 11, line 16—Leave out "by proclamation, alter the name of an" and insert, "at the request of an incorporated hospital, by proclamation, after the name of the". The amendment provides that the change of name shall be made at the request of an incorporated hospital and

that only at its request may the Governor, by proclamation, alter the name. Apparently, the Minister has no objection to that.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Dawkins is correct.

Amendment carried; clause as amended passed.

Clauses 27 and 28 passed.

Clause 29—"Officers and employees."

The Hon. A. M. WHYTE: Regarding subclause (2), I ask the Minister whether the staffing plan will be submitted once a year.

The Hon. D. H. L. BANFIELD: The basic staffing plan will be submitted arithmetically, but this could be varied more often at the request of the hospital if it is shown that there is expansion. We want to make sure that not too many of one kind of staff are provided, and we think there should be some scrutiny so that the staffing can be done efficiently. At present, at the request of hospitals we send officers to look at staffing.

The Hon. A. M. WHYTE: I asked the question to clear up matters that have been raised with me about whether the Government could appoint an officer to fill a vacancy without losing the man's services merely because it would take a few months to get approval through the commission.

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

The Hon. A. M. Whyte: I presume that this could be done by applying in writing.

The Hon. D. H. L. BANFIELD: Yes. If a hospital writes stating that it considers its establishment needs an officer, that is all that is approved of. If they have a staff of 20 and have a vacancy, they can reappoint without a submission to the commission. However, if they want to extend the staff from 20 to 22 they will require permission.

Clause passed.

Clauses 30 to 38 passed.

Clauses 39 to 42.

The Hon. R. C. DeGARIS: I indicated in the second reading debate my opposition to these clauses, and I detailed the history, since about 1909, of local government rating for hospital establishment of a levy ranging between 6 per cent and 15 per cent on certain areas. In the past this was a worthwhile policy, and there have been many variations to the scheme in subsequent years. A levy of up to 3 per cent is now made on local government for hospital purposes, and it varies from area to area, but it is difficult today to justify the imposition of the levy on only one section of the community, that is, on ratepayers, for public health and hospital purposes. The 3 per cent rate levy is not extensive, only about \$900 000 being collected in the past financial year. As the argument for continuing this levy no longer exists, I oppose these clauses.

The Hon. M. B. DAWKINS: I, too, oppose these clauses. I have had much to do with local government and know that local government has supported subsidised hospitals in the country over the years. The need for the levy no longer exists. Such a levy does not exist in other States and, as the Hon. Mr. Hill stated, hospitals throughout the State have funds of about \$6 500 000 that can be used for capital works. There is no longer any need for the continued local government rate levy, because most people who pay rates also make contributions in other ways. In effect, it is a duplicated tax. As I indicated in the second reading debate, I oppose these clauses.

The Hon. C. M. HILL: I made my views on the local government levy well known in the second reading stage. The arguments in totality are overwhelmingly in favour of

this levy being repealed. The time has come when local government should be given the opportunity, not by enforcement but by encouragement, to allocate funds for capital improvements on local hospitals. It should be given the opportunity to spend the same amount and even more—

The Hon. R. C. DeGaris: That will happen.

The Hon. C. M. HILL: True, local government will spend more on the provision of health services at a local level. The Government must be influenced by the points made on this side of the Chamber. I intend to vote against these clauses.

The Hon. J. C. BURDETT: I also oppose these clauses, and I opposed them in the second reading debate for the reasons given. With the development we have made towards the social welfare State (perhaps we have gone too far) the funds for health services come from taxpayers and should come from all taxpayers by way of general revenue rather than from a specific group of taxpayers, that is, ratepayers.

The Hon. D. H. L. BANFIELD: I ask honourable members to reconsider their attitude to these clauses. True, the situation has changed, but the Government is stressing that it wants voluntary involvement in local hospitals. One way to get voluntary involvement is to encourage members of the community to work for their hospital. These people, in addition to their efforts, will know that a greater sum is in the kitty. Local people will know that the hospital will receive an amount from the council based on the previous year's figures. If a hospital wants to undertake a specific expansion programme, it will know that it will receive X amount from the council, and it need only base its programme on that amount. That will be the only way hospitals will be able to build up their capital account in the future. In the past the Government has subsidised hospitals on a two to one basis.

True, hospitals with funds available have had a better opportunity to proceed with capital projects than have hospitals without funds sufficient to meet their one-third of the cost. I refer to equal needs of different hospitals. Often, approaches through local government are made to me about certain hospitals; the development of a hospital in a district will assist an area, giving local people confidence there of the safeguard of having the hospital and a doctor's service. The Hon. Mr. Hill has frequently referred to the urgent need for a hospital at Christies Beach. People in that area want that safety and security.

The Hon. C. M. Hill: They want a political promise fulfilled.

The Hon. D. H. L. BANFIELD: People at Christies Beach want the same safe feeling that local government wants for its people by way of a decent hospital. Certainly, a decent hospital is more likely to attract a doctor to an area, and that is even more important than the existence of a hospital. There is no way of attracting a doctor to an area if he has not a decent workshop. It is as simple as that.

The Hon. R. C. DeGaris: To whom would you pay the 3 per cent levy from the Noarlunga area?

The Hon. D. H. L. BANFIELD: This goes to the nearest Government recognised hospital. It goes for capital expenditure for the time when Flinders Medical Centre is an incorporated body and brings forward capital works to be carried out after we have completed the stages that we have pledged we will complete.

The Hon. R. C. DeGaris: You have missed the point.

The Hon. D. H. L. BANFIELD: If 90 per cent of patients in the area still want to go to Flinders Medical Centre, 90 per cent of the 3 per cent will be paid to Flinders Medical Centre. This is a serious question, particularly for country hospitals. We want local government involvement, and local government is already represented on the boards of 95 per cent or 98 per cent of hospitals. The Hon. Mr. DeGaris said, "Let it be voluntary". However, local government may not co-operate in some areas if it wants to get out of the system. There is nothing to stop local government providing more than 3 per cent, but we want to ensure that local government provides at least 3 per cent. There is nothing to stop local government subscribing 10 per cent of its rates to the building fund of the local hospital if it wants to do so. However, if we leave it on a voluntary basis, there may be some years when a council says, "Not this year". The hospital may have no other way, except through voluntary efforts, of building up its capital fund. Hospitals will therefore be relying on the 3 per cent in the future. In the past, they have been able to make a profit and to put that aside, but that will not be possible in the future. Councils have no firm basis for knowing where the next cent will come from if nothing is coming regularly from local government. As I have said, a doctor is more likely to come to a township where there is a satisfactory hospital. I ask honourable members opposite to consider this point before they do a disservice to hospitals, doctors, and the people they serve.

The Hon. A. M. WHYTE: I am sorry that the Minister got side-tracked by the reference to Christies Beach.

The Hon. D. H. L. Banfield: People in an area without a hospital may push for a hospital in that area, and people in an area where there is a hospital will want to maintain it at a satisfactory standard.

The Hon. A. M. WHYTE: The Minister should have answered the question asked by the Hon. Mr. DeGaris: with whom will these contributions be placed?

The Hon. R. A. Geddes: Prior to a hospital being built.

The Hon. A. M. WHYTE: It is important to know where the contributions will go. The stage may be reached where councils may charge for work that they previously did voluntarily. Where will the money be held until a hospital has a need to call on that money?

The Hon. D. H. L. BANFIELD: The money will be in the bank account of the local hospital. True, the commission will collect the money for particular country hospitals, but that money will be immediately sent back to the recognised hospitals in the area. So, the money raised by the local rates will be used for the local hospitals. The Hon. Mr. Whyte said that a council may charge for some services that it provides for a hospital. If a job had to be done and if the council did not do it, the hospital would have to pay someone else to do it. In some areas, local government not only pays the 3 per cent levy to a hospital but also rates the hospital. So, local government is getting some of its rate revenue from the hospital itself. If councils still want to do that, they can do so. The money will be held by the incorporated hospital within the district from which the money was raised. The money will not go out of the district; it will provide for capital expenditure in the district in which it was raised.

The Hon. M. B. DAWKINS: The Minister is anxious to encourage voluntary contributions, but this provision "encourages" voluntary work by starting off with a compulsory levy! I query whether that is the right way to encourage extra voluntary work. The Minister has indicated

a 3 per cent levy. Is it intended in every case to levy a council to the maximum of 3 per cent? I understand there are some councils that have in the past paid 1½ per cent or 2 per cent, and some more than 3 per cent, but there could be a considerable increase in the contribution if the 3 per cent maximum levy was made in every case. It could cause some changes to council budgeting.

Secondly, if these clauses are passed, will provision be made for each local governing body to be represented on the hospital board concerned? I know that in some cases the council itself is the hospital board; in other cases there are situations in which there are one central council and four or five surrounding councils contributing to the one hospital. As I understand it, the only council that has statutory provision for representation on that hospital board is the central council; the other councils, if they are on the board, are there because people recognise that they should be represented. There is no requirement for them to be represented.

The Hon. D. H. L. BANFIELD: In some cases years ago, some areas were being levied up to 10 per cent. There was different rating in different areas, and some were down to as low as 1 per cent or 2 per cent. The 3 per cent has been in operation since 1969, and every council has paid its contribution.

The Hon. R. C. DeGaris: Some pay less.

The Hon. D. H. L. BANFIELD: It is only less where the council concerned agreed to pay an amount of money voluntarily to another hospital, equal to the 3 per cent levy from the council. We have made sure that every council has, in one way or another, contributed 3 per cent of its rates, so that no council has been excused from paying. It could be compulsory or voluntary, but in some cases payments have to be made to a hospital in the district, and that contribution equals 3 per cent of the rates. As to whether a council has a right to be on a hospital board, one of the objects of this Bill is to maintain local autonomy for the hospitals. They will have to have their constitutions approved by the commission before they can be accepted. If we say, on the one hand, "We want local autonomy for a certain hospital" (which is what everyone is looking for) and, on the other hand, the first thing we do after the passing of this legislation is to say to the commission, "The hospital is yours; run it how you like but make sure that you have somebody from local government on the board", what will people think?

Already, 99 per cent of councils are on boards without having a right to be on them. There is no reason to change that. Why start dictating to a hospital when we are now giving people the feeling that they can still run their hospitals as they like? An object of this Bill is to encourage local government involvement. Surely this is one way to do that. When a hospital is looking for incorporation under this Bill and has submitted its constitution and we find it has excluded councils from it, the commission will do everything to try to encourage the participation of local government. I have not had one request from an individual ratepayer complaining about the 3 per cent, because that is the price the people are prepared to pay for the services attracted to their area as a result of having a hospital there.

The Hon. C. M. HILL: The Minister's argument to retain these clauses in the Bill took the form more of a plea to consider the future powers he envisages for this commission over local government and regional hospitals. The upgrading of the intended health services by local government, the emphasis upon the importance of local government, and the need for local government to play

an ever increasing role, is a strong vein running through this legislation setting up the commission. It has been further emphasised by amendments that local government and local activity have been considered today, but how will local government find any money to involve itself in the new and expanding services, delivering health care at local level, attending to aged people in local areas, and consolidating their already established health provision if they are to pay a 3 per cent levy for capital expenditure on the local hospital?

That is the situation that this Committee must consider. If councils are still to be compelled to pay this 3 per cent levy for this purpose to the commission, how can they play their role envisaged by this Committee for local government in the future? It is as simple as that. If they have to find this 3 per cent under this levy arrangement, they will not be able to do any more than they are doing at the moment. The object is not to allow local government not to pay, to retain the money for some other purpose, or to reduce the rates: it is to give local government the opportunity to spend that money itself, and indeed more money, on these new services that we hope local government will become involved in under the terms and conditions of this legislation. Looking to the future, it is this financial situation and a re-channelling of funds for expanded health delivery that we contemplate, and local government will not be able to do that if it is bound to pay the 3 per cent to the commission.

Regarding the representation of local government on the local hospital boards, I hope that there is not any feeling that, unless councils pay the levy, they will not have representation on the boards, because any thinking along those lines is wrong. Because of the prominent part that local government will play in this area, it is entitled to have that representation. I remain unconvinced by the Minister. He has put his case in a reasoned and moderate way, but I am influenced by the big groundswell of opinion from local government, as shown by the telegrams that have been coming here like bees to a hive.

The Hon. D. H. L. BANFIELD: I did not imply that there would not be representation on the boards and I hope that the honourable member has not suggested that I did, because I believe that the boards will want local government representation on them. I am saying that we want to be in the position where hospitals will have some money so that they can take pride in achieving capital expansion of their hospitals if that is required. In recent years the Government has upgraded hospitals throughout the State, and we do not want to go back to the position that applied 20 years ago, when hospitals were not up to standard and doctors were leaving in droves because of that.

Regarding councils giving money to other health services, there is no reason why those services, with the co-operation and voluntary involvement of councils, cannot be contributed to through the hospitals. In regard to domiciliary care and the activities of community nurses, for example, there is no reason why they cannot be provided through the hospital, at hospital expense, with the assistance of local government.

If the organisations work closely with the hospital, some of their expense may be less than it is now. If the money goes into the hospital area, let some of the allied health services flow out. It is necessary for local hospitals to be able to spend some of their own money to expand, and this is the main source of expenditure that local hospitals have.

The Hon. R. C. DeGARIS: Regarding the levy on local government, over the years I have not known of any case where this money has gone for capital improvements to the hospital. It was paid into an account for the maintenance of the hospital. Already, in most areas where large amounts of capital are required by way of subsidy from the Government for expansion, local government has underwritten the loan or raised money by a rate above the 3 per cent levy. There has been a change in the whole financing of hospitals with the introduction of Medibank, and I think I have pointed out in this Chamber that that would have an effect on the autonomy of a local hospital.

The Minister is correct in saying that a hospital can no longer make a profit, and I think that that position is sad. It is not conducive to the efficient conduct of a hospital and that has had an effect on the whole system. I am satisfied that the 3 per cent levy should now be removed. Local government will not let down the local hospital if capital expansion is required. The basic case for the 3 per cent levy is no longer there, because of the changes that have taken place, and I objected to those changes at the time.

The Hon. D. H. L. BANFIELD: Hospitals have pointed out that they have no way of making money or having a nest egg. Unfortunately, the Hon. Mr. DeGaris was absent, having been called to the telephone a short time ago, but I point out, in regard to the argument that councils will voluntarily come to the aid of hospitals, that some hospitals would not pay voluntarily and others would do the right thing. I ask why all this pressure has come only from councils (it has not come from the ratepayers and the hospitals) about opting out of the 3 per cent levy, if the councils want to give voluntarily. There is nothing to stop councils from giving 10 per cent, if they want to.

The Hon. J. C. Burdett: Councils may want to give money for a specific purpose.

The Hon. D. H. L. BANFIELD: It gives councils the opportunity to opt out if they so desire and, in the best interests of people in those areas, we should not allow that.

The Committee divided on clauses 39 to 42:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. B. A. Chatterton. No—The Hon. R. A. Geddes.

The CHAIRMAN: There are 9 Ayes and 9 Noes. This matter has been considered by the House of Assembly but, in view of the debate here, I think it should be reconsidered by the House of Assembly and I give my casting vote to the Noes.

Clauses thus negatived.

Progress reported; Committee to sit again.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

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

ADJOURNMENT

At 6.15 p.m. the Council adjourned until Thursday, November 4, at 2.15 p.m.