LEGISLATIVE COUNCIL

Wednesday, November 10, 1976

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

QUESTIONS

COUNCIL BUZZER

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking a question of you, Mr. President.

Leave granted.

The Hon. M. B. CAMERON: Following an incident yesterday, I have taken particular note during the last five minutes before the Council started sitting today of the method of summoning honourable members to this Chamber either for divisions or for the beginning of a sitting. I have noted that, in the strangers' lounge at the far end, the buzzers of this Chamber are only just operational and in the lobbies of the Assembly they are non-operational altogether; they cannot be heard. In the middle of the central hall again it is extremely difficult to hear any signal for a division. This problem also occurs, as honourable members will know, if the bells for the Assembly and the buzzers for this Council are working together. In these circumstances it is impossible to hear the signal for this Council. Mr. President, are any steps to be taken to bring about a better system of summoning honourable members for a division, in the form of lights or some other system, so that honourable members of this Council do not miss divisions?

The PRESIDENT: I agree with the honourable member that difficulties can arise on occasions. However, I am happy to inform him and all other honourable members that this matter is in hand. A new system for summoning honourable members at division time is in train. This system will mean upgrading the present buzzers and bells so that, when both are going simultaneously, there will be an alternating system, whereby members will get the sound of the bell and the sound of the buzzer alternating. We are also providing flashing lights in each Chamber, so that a light will be visible to any member from the other House who may be sitting in the President's gallery or the Speaker's gallery.

The Hon. R. C. DeGaris: Will the lights be of different colours?

The PRESIDENT: Yes. In this Chamber we will have a green light, and I can inform the Hon. Mr. Blevins that it will be situated at the back of his chair. There will be a red light in the Assembly.

PORT PIRIE RADIO-ACTIVITY

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation before asking a question of the Minister of Health.

Leave granted.

The Hon. F. T. BLEVINS: Over the last couple of days all honourable members will be aware of the problem associated with tailings at Port Pirie that appear to be radio-active. Some medical problems are alleged to have resulted from this radio-activity. In particular, on *This Day Tonight* last evening and the A.B.C. radio programme *A.M.* this morning I heard an interview with a gentleman by the name of Mr. Harm Folkers. This gentleman, principal of the special school for retarded children at Port Pirie, promptly closed his school. That aspect has been rectified, and the school has been promptly reopened, by direction of the Minister. I am concerned about this gentleman's statement that he was worried about the high level of mental retardation amongst Port Pirie's population. This statement, if it is correct, is alarming, and the Minister is certainly the person who can ascertain whether or not it was correct. Will the Minister tell the Council what is the position regarding mental retardation in Port Pirie? If the incidence of mental retardation in Port Pirie is higher than one would expect for a city of its size, will the Minister give reasons for this and say whether radio-activity in the area could be the cause, or whether there is any other reason (for example, lead poisoning) for this?

The Hon. D. H. L. BANFIELD: I can only say that up until the time I saw and heard the interview I had no reason to believe that there was a higher incidence of mental retardation in this area. This situation arose because one person had the cheek to make such a suggestion. There is no reason to believe that there is a higher incidence of mental retardation in the Port Pirie area. I assure honourable members, many of whom know of the interest I have taken in this matter that, having examined percentages regarding mental retardation, and so on, for the last 25 years, there is nothing to lead anyone to believe that there is a higher incidence of mental retardation at Port Pirie than exists in any other area. I deplore the actions of those who are trying to create panic in the area. This action has done no good for Port Pirie or for the retarded people there. Indeed, the parents of retarded persons have sufficient cause for concern regarding their misfortune without it being stated that that misfortune occurred merely because they lived in the area. I assure the Council that there is no scientific evidence that there is a greater degree of mental retardation at Port Pirie than there is in any other area.

The Hon. R. C. DeGARIS: Will the Minister of Health say whether the Public Health Department has over the years made any check on radio-activity levels at the dump in Port Pirie? If it has, what did that report state, and what was the effect on the people of Port Pirie?

The Hon. D. H. L. BANFIELD: Although the Public Health Department has made no complete report on this matter, it has continually taken readings in the area, and has stated that there is no cause for concern in relation to those readings. These were proper precautions that should have been taken in such a situation, and the department is satisfied, as a result of the levels taken in the readings, that the health of the public at Port Pirie is not at any great risk.

The Hon. R. C. DeGaris: Did they check any other areas?

The Hon. D. H. L. BANFIELD: The department, having checked the area inside the Rare Earth Corporation plant, as well as other areas in the district, has stated that there is no cause for panic.

The Hon. R. C. DeGaris: Do they make radio-activity checks other than at Port Pirie?

The Hon. D. H. L. BANFIELD: Yes, the department conducts such checks in different areas from time to time.

The Hon. R. C. DeGARIS: If they are available, will the Chief Secretary make available to the Council the

various reports on radio-activity at Port Pirie and other parts of the State where the Public Health Department is making a check?

The Hon. D. H. L. BANFIELD: I will endeavour to do that.

SAMCOR

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

Leave granted.

The Hon. A. M. WHYTE: Can the Minister explain to the Council the procedure at Samcor in relation to the checking of carcasses of animals slaughtered and bearing a tail tag for identification? Where the hide and tag are taken from the carcass, what means of identification is left on the carcass?

The Hon. B. A. CHATTERTON: I know that the carcass is identified. The exact means used for that identification, to ensure that the results of any tests carried out in the brucellosis campaign are identified with the particular tag I do not know; the actual details and methods of identification on a carcass I am not fully conversant with, but I will obtain a report on that for the honourable member.

ROADS CLOSURE

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: I have been approached by a constituent acting for a group of residents involved in a local government issue—roads closure in their neighbourhood. This question is not meant as a criticism but is an endeavour to assess all the facts in relation to this issue. My constituent wishes me to ask what is the daily cost of keeping a police car and crew on the road. Can the Chief Secretary obtain this information for me?

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

AUSTRALIAN FEDERATION OF TRAVEL AGENTS

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. F. T. BLEVINS: No doubt, the Minister will recall that about three months ago he visited Hong Kong and attended a meeting of the Australian Federation of Travel Agents. I think the Minister will also recall that at the time questions were addressed to him in the Council by members of the Opposition, and particularly, I think, by the Hon. Mr. Hill. It was quite clear that a definite note of criticism was embodied in those questions (at least, that is my impression) that perhaps the Minister was wasting the time and money of the State in attending these conferences.

The Hon. C. M. Hill: That was not the intent of my question; the intent was that perhaps someone else should attend.

The Hon. F. T. BLEVINS: I accept the Hon. Mr. Hill's comments, but that was certainly the impression I got and, if anyone reads back in *Hansard,* I am sure that will be the impression that he gets, too. However, be that as it may, can the Minister give the Council any information regarding future Australian Federation of Travel Agents conferences?

The Hon. T. M. CASEY: I am pleased to inform the honourable member that we have been successful in obtaining the Australian Federation of Travel Agents conference for 1978 in Adelaide. I think the trip was worth while, from the State's point of view. It did not cost the State anything because travel was provided by the airlines, and accommodation was found in Hong Kong. I think I explained that to the Council previously. Nevertheless, I think the conference deserves the Minister's presence in Hong Kong.

The Hon. C. M. Hill: You did not take anyone with you from your department?

The Hon. T. M. CASEY: I point out the advantage to South Australia of this conference being held in Adelaide. I point out to honourable members, particularly the Hon. Mr. Hill, that more than 1 200 delegates from overseas will attend this convention.

The Hon. C. M. Hill: This is something that you have achieved personally, is it?

The Hon. T. M. CASEY: If the honourable member will wait, I will come to that.

The PRESIDENT: I wish that all honourable members would wait.

The Hon. T. M. CASEY: I am sure the members of this convention, with all these delegates present not only from Australia but also from other countries, will take the opportunity to see what we have in South Australia as far as tourism is concerned, and I am also sure that the Hon. Mr. Hill is aware that this is a feather in South Australia's cap, because we did have much competition from other countries in regard to the place for holding this convention in 1978. I pay a tribute to Mr. Roy King, of the Chapter of A.F.T.A., for his co-operation and the work he did whilst in Hong Kong to promote South Australia as the convention centre, and I also pay a tribute to Mr. Joe O'Sullivan, who is the chief of the convention centre in South Australia, for his work. I am sure that we can look forward to this convention being held in Adelaide in July, 1978, and I understand that it will be held in the Festival Theatre.

PORT LINCOLN WHARF FACILITIES

The Hon. A. M. WHYTE: I wish to ask a question of the Chief Secretary regarding the reply that he gave me to a question I asked on November 3 about the operations of bulk loading facilities at Port Lincoln and the welfare of those men who thought that, perhaps, they might lose their jobs as wharf employees because of the new installation. The Minister stated:

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.

One of the parties who, I should have thought, was extremely concerned, does not think that there was a meeting on November 8. I ask the Chief Secretary whether there was such a meeting and, if there was, whether there was any clarification of the situation regarding these men.

The Hon. D. H. L. BANFIELD: Unfortunately, I have not a log book in relation to what other Ministers have done, but I will try to find out whether such a meeting took place and, if it did, what was decided at it.

PRESS REPORTING

The Hon. C. J. SUMNER: I seek leave to make a brief statement prior to directing a question to you, Mr. President.

Leave granted.

The Hon. C. J. SUMNER: You will doubtless recall my maiden question in this place relating to the possibility of having the daily newspapers in this State provide a summary of the business of the day in the Parliament. I have raised this matter on two or three occasions since then, both in this House and with you privately, and you have been good enough to tell me that you conveyed to the newspapers the request that I made in the question and that you have received some replies indicating that there are certain difficulties in doing what I requested but that the newspapers, particularly the *Advertiser*, would continue to investigate the matter and let you know. I noticed in yesterday's *Advertiser* a report of comments by the Lieutenant-Governor, Mr. W. R. Crocker, about the reporting of procedures and discussions in Parliament. Mr. Crocker also stated that it was difficult to know, when reading newspapers, when Parliament was sitting. It seems to me that my suggestion would at least overcome that latter problem, if it is one. Therefore, I consider that the time is opportune for the matter to be pursued again with the newspapers concerned. My question is: have you heard anything recently about this matter and, if not, will you approach the newspapers concerned with a view to having my request further investigated?

The PRESIDENT: I agree that perhaps the time is opportune for me to review with the newspaper concerned the suggestion that I made. I point out, too, that this matter was discussed at the conference of Presiding Officers that was held this year. At that conference one Parliament indicated that it tried this system for a short period but abandoned it because members of the public who rolled up to hear the debates became hostile when they found that the debates were not proceeded with in accordance with the information in the newspaper. Although it is not an easy matter, I will take it further with the *Advertiser* Editor within the next few days.

PRESIDENT'S RULING

The Hon. N. K. FOSTER: With all due respect to you, Mr. President, I must be somewhat persistent regarding debates in this Council and the ruling you gave about a matter being too political in nature being debated in this political Chamber. Later, in response to my question about this matter, you said that your ruling was no more than a comment. This matter arose as a result of a private member's Bill on shopping hours. As there is no tribunal or authority in this State to fix shopping hours (this matter currently being outside the ambit of existing industrial machinery), the only way in which this problem can be resolved is by legislative action. Your reply to me, Sir, on this matter when I last raised it (November 4) was as follows:

I was not giving a ruling on that occasion: I was merely making a comment.

I accept that, with all due respect. The reply continues:

If I remember correctly, I think my comment was that the debate was getting too political about something that should not have been a political subject. It was nothing more than a comment.

There could be no other way for this matter to be handled: it was a political debate introduced in this place by, of all people, a politician. I put it to you, Mr. President, that this matter should be cleared up once and for all about whether or not there is an opinion held by the Chair that there has to be some form of clarification of what can be discussed in this Chamber that is not too political. Am I to take it that honourable members cannot talk about education, for instance, because it would be considered as too political?

The PRESIDENT: I do not know how much longer the honourable member will pursue this matter.

The Hon. N. K. Foster: Until you clear it up.

The PRESIDENT: As I said the other day, there are obviously political debates in this Chamber, and possibly what I meant on the other occasion was that the debate was getting a little irrelevant. The honourable member need have no fear that I will stifle political debates. Perhaps all I can say is that in future I might be a little more careful before I make any comments.

DROUGHT ASSISTANCE

The Hon. J. E. DUNFORD: I have had many inquiries from farmer friends of mine and constituents in the country who employ union labour—

The Hon. M. B. Cameron: Have you got leave to make a statement?

The Hon. J. E. DUNFORD: Every time I get up the honourable member interrupts me. He never goes into the country—

The PRESIDENT: I think all the Hon. Mr. Cameron was endeavouring to do was to make sure that you were not going to make a long explanation and then ask a question without obtaining leave.

The Hon. M. B. CAMERON: I rise on a point of order, Mr. President. I would point out to you, Sir, that the honourable member has not sought leave to make an explanation.

The PRESIDENT: I do not know if he is going to make an explanation or not or just ask a question. He ought to know. I cannot read his mind.

The Hon. J. E. DUNFORD: I seek permission to make a short statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. J. E. DUNFORD: As you, Sir, are no doubt aware, but the Hon. Mr. Cameron may not be, some farmers are in need of finance and they have asked me, as have people who work with them (the trade unionists in the country area), what is the Government's intention concerning the method that has been discussed in the newspapers, the matter of carry-on finance for farmers in need, and what will the situation be.

The Hon. T. M. CASEY: The Government has decided—

Members interjecting:

The PRESIDENT: Order!

The Hon. T. M. CASEY: I want to inform the Council so that members will know what the situation is. If members opposite do not want to hear about it they do not have to listen. The State Government is to provide low interest, long-term carry-on finance for drought affected

farmers. Loans over seven to 10 years will be made available to primary producers at an interest rate of 4 per cent. This assistance will be made available immediately to farmers on the basis of individual circumstances and needs. The Government has decided that repayments need not commence until March, 1979, giving most farmers at least two years free of repayment commitments. The financial effects of the drought will continue throughout next year, and the major thrust of the Government's programme has been carry-on assistance to help overcome those affects.

The provision of carry-on finance will complement the previous range of short term drought assistance measures instigated by the Government. The Government has worked on the basis that longer term problems would occur for farmers later this year and throughout next year and this has been consistent with the attitudes of State producer organisations. The loans will be made available to meet living costs, superphosphate, feed fuel and other carry-on requirements. Applications for loans can be obtained from any office of the Department of Lands or Agriculture and Fisheries, and should be sent to the Minister of Lands, Box 1047, G.P.O. Adelaide 5001. Inquiries can also be made to the Rural Industries Assistance Authority, 4th floor, Commercial Union Assurance Building, 44 Pirie Street, Adelaide (telephone 227 2652).

The Hon. R. C. DeGARIS: I thank the Minister for his reply, and I understand what he said in relation to the drought carry-on finance. Can the Minister say what area of the State affected by drought will be able to apply for these loans? How much money has the Government earmarked for lending for this purpose?

The Hon. T. M. CASEY: The map which showed the drought-stricken areas will not be taken into consideration at this time for this measure. I am not sure of the sum that will be made available, but I will check it out and inform the Leader.

The Hon. R. C. DeGaris: I thought you were the Minister!

The Hon. T. M. CASEY: But I am not the Treasurer. For the information of the Leader, this was an arrangement submitted by the Premier to the Prime Minister, who approved it and referred it back to the Premier. This is a result of discussions at that level.

The Hon. M. B. CAMERON: In an article in this morning's *Advertiser*—. I seek leave to make an explanation before asking a question of the Minister of Lands. I was waiting for the Hon. Mr. Dunford to pull me up.

Leave granted.

The Hon. J. E. DUNFORD: Mr. President, I think the honourable member ought to withdraw that, because I take this Chamber very seriously. I think you, Mr. President, run this Chamber, and you do not need any assistance from anyone else.

The Hon. M. B. CAMERON: I will withdraw whatever it was that I was asked to withdraw.

The PRESIDENT: I do not know what it was. The honourable member has been granted leave.

The Hon. M. B. CAMERON: An article in this morning's *Advertiser* states:

The South Australian Government had spent $31 875 on drought relief assistance up to October 31, the Minister of Works (Mr. Corcoran) said in the Assembly yesterday. Mr. Corcoran said in a written reply to Mr. Nankivell (Liberal, Mallee) that the Government had received 152 applications for drought relief assistance. These included the slaughter and disposal of stock, cattle compensation for graziers, concessions for carriage of livestock and fodder and applications for carry-on finance.

Is this the total amount that has been spent by the South Australian Government on assistance to drought affected areas since the drought first became obvious in South Australia? Is this the total amount that will be eligible for further Commonwealth funds? I refer to the $10 000 000 that the Commonwealth previously announced was available for drought relief. Did South Australia come nowhere near being eligible for any such relief from the Commonwealth, because of the small sum spent on drought relief in South Australia? How does this amount compare with amounts spent by other States on drought relief?

The Hon. T. M. CASEY: The honourable member should do his homework a little better, rather than bring politics into this matter. The honourable member ought to know that the agreement between the Commonwealth and the States on drought relief requires the South Australian Government to spend up to $3 000 000—

The Hon. M. B. Cameron: $1 500 000.

The Hon. T. M. CASEY: $1 500 000 (I do not need any correction from the honourable member)—

The Hon. M. B. Cameron: You just did.

The Hon. T. M. CASEY:—before we get any help from the Commonwealth at all. We have tried our best and covered the whole ambit of drought areas in the State. Application forms have been available since the time that drought areas were declared, and we have got to get the concurrence of the Commonwealth before it will agree as to whether or not certain areas are to be financed as drought areas. We still have to pay half of the cost of the drought finance up to $3 000 000; after the $3 000 000 is reached, the Commonwealth takes over. Everything is being done in the interests of the farming community, as far as this Government is concerned. We are still doing everything we possibly can in connection with carry-on finance at a low interest rate over a long period.

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

Leave granted.

The Hon. A. M. WHYTE: I refer to the most welcome news that the Minister has given this Council, relating to carry-on finance for agricultural purposes. It is pleasing to see that the Premier has seen fit to lend a hand, but I stress that it was a request from the growers organisation in the first place. Will the same stringent requirements to obtain this finance apply as applied to the previous drought relief applications, which were so restrictive that only $31 000 has been spent, instead of $1 500 000, since carry-on finance became available? Are share farmers included in the assistance?

The Hon. T. M. CASEY: The answer to the second part of the honourable member's question is "Yes". The answer to the first part of the question is that naturally farmers will have to apply to the appropriate authority. Guidelines will be laid down there. The assistance will cover the purchase of seed grain, superphosphate, and any other contingencies that I mentioned earlier.

The Hon. M. B. Cameron: What kind of financial position must they be in?

The Hon. T. M. CASEY: They have to state exactly what their financial position is. I stress that it is carry-on finance. If a person cannot obtain a loan from any other source, this money is available to him. Farmers have to prove that their circumstances justify assistance.

The Hon. A. M. WHYTE: I wish to ask the Minister of Lands a further question regarding applications for carry-on finance. The Minister would be well aware of

the great criticism that has been made regarding the application form for carry-on finance at present being used. It states that, in order to be eligible for carry-on finance, a person must be viable and that he must have been refused finance by every other banking institution. The Minister would be well aware that, if persons have been refused a loan by every other banking institution, it would be difficult for them to prove that they are still viable. This is one of the most ridiculous farces that has ever been foisted on the people of this State. There was a stupid splurge in the press that carry-on finance was available for the rural sector, yet it is almost impossible for anyone to qualify for it. Has consideration been given to redrafting a more sensible application form for carry-on finance?

The Hon. T. M. CASEY: No.

The Hon. C. M. HILL: I seek leave to make a statement before asking the Minister of Lands a question.

Leave granted.

The Hon. C. M. HILL: I am very unhappy about the abrupt reply that the Minister has given to the Hon. Mr. Whyte's question. In view of the concern that has been expressed that many applicants for this relief may not obtain the carry-on finance that they are seeking, would the Minister be willing to make periodic reports to Parliament regarding the number of applications made to his department for this carry-on finance and the number of those applications that have been approved? Would the Minister also be willing to give to Parliament reasons why those that were refused were in fact refused? I am not suggesting that personal information, such as the names and sums of money involved, needs to be stated in such a report. However, reports of this kind made to Parliament would give members a better opportunity to observe whether or not the Government was genuine and wishing to help, and indeed helping, many of the people who applied for this assistance. If we are not given this information, members are unable to pass judgment. Will the Minister consider a suggestion of that kind?

The Hon. T. M. CASEY: Honourable members of this Council are free at any time to seek information from Ministers. If the honourable member asks me at any time in the future how many people have applied for assistance under this scheme and how many have been successful or unsuccessful, I shall be pleased to provide him with that information. I do not think my reply to the Hon. Mr. Whyte's question was abrupt. His question required a "Yes" or "No" answer, and the answer was "No". I point out to the Hon. Mr. Hill that the authority requires information because the Government is lending money (taxpayers' money) to a section of the community (in this case rural industry) at a low interest rate compared to that charged on money borrowed from banks. I think honourable members realise this. It is only right and proper, therefore, that the authority should ask for information regarding the viability or otherwise of those concerned.

The Hon. M. B. Cameron: Look, you know—

The Hon. T. M. CASEY: The Hon. Mr. Cameron insists on interjecting almost every time a Minister gets up on his feet. The situation is that (and this applies to any Government; indeed, it applies to Governments in other States with a political persuasion different from that of this Government), if we did not have these requirements regarding the financial situation of farmers, every farmer in the State could want loans from the authority. It could be regarded as a cheap way of obtaining money for carry-on finance but, in the case of farmers applying genuinely, who are in trouble and cannot afford to pay bank interest rates because their farms would not remain viable, this is one way in which we can help them out. I hope the honourable member realises that and is not so silly as merely to keep needling.

The Hon. A. M. Whyte: It is not the information—it is the criteria.

NEWSPAPER ADVERTISEMENTS

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking a question of the Minister of Health.

Leave granted.

The Hon. N. K. FOSTER: The *News* recently reported that the exorbitant sum of $160 000 was being paid to one person for about four hours work, but I see no editorial comment that this is an exorbitant rate to pay to a person in the film industry, as against editorial criticism of the trade union claim for rightful amounts as regards wage indexation. The article states:

Rod Taylor will soon be flashing across Australian T.V. screens in commercials for the big multi-national Utah Mining Group. The Australian-born international film star will receive a reported $160 000 for six days filming. The commercials will be aimed at building a corporate image for the U.S.-controlled Utah Development Company Ltd. U.D.C.'s huge coal mines in Queensland have made it Australia's most profitable company—bigger even than B.H.P. But, as a Utah official said: "Only a small percentage of Australians know anything about us at all."

This indicates that the company should not be known as an Australian company because no-one knows about it and because few people hold shares in it. The article continues:

So the company has decided on a "soft-sell, low key" advertising compaign to explain "who we are, what we do and why," he said.

The main thrust is on television; Rod Taylor will receive $160 000 for a few hours work. Will the commercial television station associated with the *News* gain further profits from displaying these advertisements? Is it not a fact that the Liberal Party in this State has not criticised the report, although it is some days old, yet the Liberal Party strongly criticised the Attorney-General when he, on behalf of the State and in the interests of South Australians, took part in a short skit in Rundle Mall warning people against overbuying and using excess credit?

The PRESIDENT: Order! The honourable member is directing his question—

The Hon. N. K. Foster: To the Leader of the Government in the Council.

The PRESIDENT: I do not see how that question has anything to do with the portfolio of the Leader of the Government in the Council.

The Hon. N. K. Foster: You don't like the question. That's all.

The PRESIDENT: I do not see how the honourable member's question is relevant to the Minister's portfolio. All the Minister can do is make a gratuitous comment on the question. I rule that the question is out of order.

The Hon. N. K. FOSTER: I rise on a point of order.

The PRESIDENT: What is the point of order?

The Hon. N. K. FOSTER: I accept your ruling that you can see no connection between my question and the Minister's portfolio. However, if one takes your ruling seriously, it is a denial of honourable members' rights to air matters such as the one that I have just raised. Surely, any reasonable person—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I will rephrase the question in a different way so that you can't knock it off.

The PRESIDENT: The honourable member can try. I point out to all honourable members that the purpose of Question Time in this or any other House of Parliament is for members to direct questions to Ministers in the exercise of their portfolios. It is not permissible for honourable members during Question Time to direct questions to Ministers that invite gratuitous comments about some other political Party, and I do not intend to permit this to happen.

The Hon. N. K. FOSTER: I rise on a further point of order and to seek clarification in view of what you have just said. You said that a question should only be directed to the area of a Minister's portfolio. I point out that the three Ministers in this Council represent the totality of all State Government portfolios.

The PRESIDENT: I am aware of that, and the honourable member can direct questions to Ministers concerning their own portfolios, or any portfolio that they represent. However, as far as I can see, the honourable member's question did not relate to the portfolio of any Minister in either House.

AGRICULTURAL EDUCATION

The Hon. R. C. DeGARIS: Can the Minister representing the Minister of Education say what amount of money is to be spent on teaching agriculture in high schools this year? What was the amount per annum over the last five years? How many schools teach agriculture? How has the money been allocated to schools in the past and how is it to be allocated in this year and future years? What is this amount of money expected to provide for the schools? What priority does agricultural education receive overall in secondary education?

The Hon. B. A. CHATTERTON: I will obtain a reply for the Leader.

PERSONAL EXPLANATION: CONSUMER LEGISLATION

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

Leave granted.

The Hon. R. C. DeGARIS: I make this personal explanation as Leader of the Liberal Party in the Council. This morning's *Advertiser* contains a report headed "Government Consumer Bill move fails", part of which is as follows:

A Government move to extend the power of the Commissioner for Prices and Consumer Affairs to look at complaints about insurance companies and complaints by tenants against landlords failed yesterday. The Assembly accepted a Legislative Council amendment to the Prices Act. The amendment deleted the provisions on insurance companies and landlords from the Act.

The Attorney-General (Mr. Duncan) told the Assembly he had agreed to the Legislative Council move "with the greatest reluctance", because the entire Prices Act, which was extended from year to year by a Parliamentary Bill, would otherwise have been lost. "We would be placing at risk the whole of our prices and consumer affairs protection administration in this State," he said. The Government was committed to consumer protection and could not afford to lose the Bill.

Mr. Duncan said: "We are being forced to accept the amendment because the honourable gentlemen in another place have no concern whatever for consumers and saw an opportunity in this Bill to ensure that consumers would be denied the protection to which they were rightly entitled."

The acceptance, without opposition, by the House of Assembly of the Legislative Council's amendment must support the argument that the particular matters contained in the Prices Act Amendment Bill, relating to complaints concerning insurance and landlords, should not be a part of the Prices Act. It is untrue to say, as the Attorney did, that the Government was forced to accept this because "the honourable gentlemen in another place have no concern whatever for consumers and saw an opportunity in the Bill to ensure that consumers would be denied the protection to which they were rightly entitled". To my mind, that statement was no doubt unwarranted and made solely for political purposes.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

The Hon. A. M. WHYTE obtained leave to introduce a Bill for an Act to amend the Road Traffic Act, 1961-1976.

IMPOUNDING ACT AMENDMENT BILL

(Second reading debate adjourned on October 13. Page 1473.)

Bill read a second time.

The Hon. ANNE LEVY moved:

That it be an instruction to the Committee of the Whole that it have power to consider new clauses concerning the description of "stallion".

Motion carried.

In Committee.

Clause 1 passed.

New clause 1a—"Penalty for allowing any bull, stallion or ram to be at large."

The Hon. ANNE LEVY: There are a number of amendments standing in my name but, as they all relate to the same point, I think it is probably better that I discuss them all as one amendment.

The CHAIRMAN: I agree.

The Hon. ANNE LEVY: I move:

After line 8, insert new clause as follows:

1a. Section 45 of the principal Act is amended by striking out the passage "entire horse" twice occurring and inserting in lieu thereof in each case the word "stallion".

My reason for moving this amendment is the updating of the language used in our legislation. The Bill refers to three different species—cattle, sheep, and horses or, I should say, the individuals of the genuses *taurus*, *ovis* and *equus*. It describes the male of the species. In dealing with cattle the word "bull' is used to indicate the male of the cattle species. Likewise, the word "ram" is used to indicate the male of the sheep species, and I think the word "stallion" should be used to indicate the male of the horse species.

What is really meant in the Bill is the ungelded male of the horse species, but in common parlance "horse" means the whole species and not just the male of the species. On this basis, "entire horse" could mean either a stallion or a mare, as an unspayed mare is entire in a biological sense. I am sure that "mare" is not intended to be included in this Bill. The legal advice I have sought states that the term "entire horse" legally means the ungelded male of the horse species, despite the alternative interpretation that can be placed on it.

The word "stallion" is identical in meaning in a legal sense and has no other possible meaning in popular parlance. So my amendment in no way changes the sense of the Bill; it is merely using twentieth century phraseology instead of outdated language. Language is formed by people, we know, but people are also formed by language. The expression "entire horse" is a hangover of the time when the male of the species was considered to be the species, whereas the female of the species was almost discounted, and was not part of the species in her own right. Hopefully, modern attitudes now prevail in many quarters: anyone with biological training will automatically take it that a species is made up of both male and female, and use language accordingly. It is time that our legislation reflected a more modern attitude and used modern instead of archaic language. So I commend this philological amendment to honourable members.

The Hon. R. C. DeGARIS: I am not entirely convinced, but we do know that the Hon. Anne Levy is a person who came to this Council with a brief to look at all matters of sex discrimination, and I believe that since she has been here she has almost achieved her purpose. The term "entire horse" is well known. In any show catalogue, the word "stallion" is not used, and the term "entire horse" is used. The latter term has only one meaning, and that is that he is entire.

The Hon. J. E. Dunford: He is all there.

The Hon. R. C. DeGARIS: Yes, he is all there. Probably, that is more than the honourable member can say. The biggest problem is that "entire horse" has only one meaning, whereas "stallion" has several. It could be confusing if we used the word "stallion" in legislation. The *Oxford English Dictionary* shows that one meaning of the word is a male horse not castrated, or an entire horse, especially one kept for the purpose of serving mares, whereas the term "entire horse" has only one meaning. Other meanings of the word "stallion" show that it can be a male dog or sheep, with reference to its use for breeding. "Stallion" also is the name of a plant. Further, it can be applied to a person as a begetter. It could also be applied to a man of lascivious life. In later use, it can be applied to a woman's hired paramour. It can also mean a courtesan. If I may quote from the *Oxford Dictionary*, the reference being to Laneham, 1575, we find this:

Their folloed the worshipfull bride . . . But a stale stallion . . . God wot, and an il smelling, was she.

"Stallion" can also mean a stand for showing goods. This Bill was introduced by Mr. Chapman, in another place, who has tried to cope with the problem in his district. I ask honourable members to consider what would happen if the poundkeeper at Victor Harbor was chasing after every prostitute and man of lascivious life and throwing them in the pound at Victor Harbor. If that happened, the intention of Parliament could be twisted in regard to the application of this law. Because of the need for legal exactitude, I cannot accept the amendment. I would prefer that the term used by Mr. Chapman, who knows much about this matter, be retained.

The Hon. J. R. CORNWALL: It would be remiss of me not to enter this debate, however briefly. Several things trouble me about the definition of the term.

The Hon. R. C. DeGaris: The Bill was passed unanimously in the House of Assembly.

The Hon. J. R. CORNWALL: I am merely making a comment. A male horse is normally a colt until his fourth birthday, when he becomes a stallion. On the other hand, an entire horse, by definition, is one of any age in whom both testicles have descended. The point that the Hon. Mr. DeGaris has raised about a rig is further complicating. I neither support nor oppose the amendment at this stage.

The Hon. C. J. SUMNER: I ask the Hon. Mr. DeGaris to say whether "bull", in terms of the definition in the proposed new clause, can mean the following:

(1) Uncastrated male of ox or any bovine animal.
(2) Person trying to raise prices.
(3) Bull's-eye (of target).
(4) Bull calf, male calf, simpleton.

There are several other meanings of "bull". There is a bull frog, a bullhead, a bulldozer, a bulldog, a bullring, a bull-pup, a bullroarer, a bull terrier, and a bull trout. Does the Hon. Mr. DeGaris imagine that the people who administer this Act will be going around the country looking for a simpleton, or a person trying to raise prices?

In connection with the word "ram", would the Hon. Mr. DeGaris concede that that word also has many meanings, as shown in the *Concise Oxford Dictionary*, such as an uncastrated male sheep, the zodiacal sign Aries, a battering ram, as well as several other meanings? If the objection that the Hon. Mr. DeGaris has to this amendment is that the word "stallion" has several additional meanings, would he not also have to concede that the word "bull" and the word "ram" should also be defined so as to cater for their many meanings?

The Hon. R. C. DeGARIS: I thank the Hon. Mr. Sumner for his dissertation on bulls and rams, but I also consider (and I think he would agree) that it would be impossible to impound a hydraulic ram, for example. I concluded that there was far more danger regarding the definition of "stallion" than in the case of the other two words. My instructions on behalf of Mr. Chapman are that he is strongly of the view that the words "bull" and "ram" should be retained and so should the term "entire horse".

The Hon. A. M. WHYTE: With a few additional words, the amendment would be all right. It would be all right if it were provided that, for the purposes of this Act, a stallion means an entire horse.

The Hon. ANNE LEVY: I appreciate that my amendment is causing amusement and I hope that honourable members are enjoying themselves. The legal advice that I have received is that the terms "entire horse" and "stallion" are identical in meaning, and a definition of one in terms of the other is not necessary in the Bill. We are not designing show catalogues: we are writing legislation that will be administered in this State. The term "entire horse" may have only one meaning legally, and "stallion" has only one meaning legally, and its various other uses in popular parlance would not be accepted in a court of law. There is no danger of individuals fitting into the other categories nominated by the Hon. Mr. DeGaris and being impounded at Victor Harbor, as he suggested.

I place more reliance on the legal advice I have received from qualified legal practitioners than on the Leader's jesting. "Entire horse" being replaced by "stallion" will lead to no legal confusion whatever, as it is merely an updating of our legal language, more fitted to the twentieth century. Although "entire horse" is used in some quarters, it is not commonly used, and it cannot have any other legal meaning, nor can "stallion". Their meanings are identical in legal effect, according to my advice. However, "entire horse" in popular parlance can have another meaning, meaning any animal of the species that is still sexually capable, and this would include mares as well as stallions.

Mares are not intended to be covered in the Bill. I appreciate that and I have no intention of having them covered. Mr. Chapman need have no worry that my amendment will affect the legal course of the Bill. In legislation, we want to use words that have precise legal meaning, and not worry about the many different meanings given in the dictionary. If it were not unparliamentary, I would accuse the Leader of talking a lot of "bull".

The Hon. C. J. SUMNER: Obviously, the basis of the Leader's argument has been shot to pieces. Definitions in Acts of Parliament become the subject of judicial interpretation and are repeated in legislation, the legislators then being aware of what the term means. Despite the assurance by the Hon. Anne Levy that there is no problem concerning the definition, doubt has been expressed. The Hon. Mr. Cornwall said that "stallion" has a different meaning from "entire horse", but I am not sure that that carries through in terms of legal terminology. Will the Leader consider reporting progress so that the matter can be resolved? I am not opposed to changing Acts of Parliament to update the words used but, where they have attained some legal significance (where we know definitely what the meaning is), it is sometimes dangerous to change or update words if it will lead to further confusion.

The Hon. M. B. DAWKINS: Although I was interested to hear that the Hon. Anne Levy has taken legal advice on this matter, and although I have much respect for members of the legal fraternity, I doubt whether they are authorities on the definitions of "entire horse" and "stallion". The honourable member would have been much better advised to take advice from the Hon. Mr. Cornwall who, without supporting or opposing the amendment, stated that an entire horse would be known as a colt until it was four years old and, only when it was four years old, would it be described as a stallion.

The animal could cause much trouble between the ages of one and four years. For that reason, I believe that the use of the term "entire horse", which has been the correct term to my knowledge—as one involved in stud breeding for many years—is advisable, and it should be used in the Bill. I must oppose the Hon. Anne Levy's amendment. I suggest that it would be wise for her to take advice from the Hon. Mr. Cornwall in this matter.

The Hon. M. B. CAMERON: This important issue has been debated for some time. I can picture honourable members leaving the Committee—

The Hon. M. B. Dawkins: To have a conference.

The Hon. M. B. CAMERON: No, we will have a demonstration of mares on the front steps, instead of shop assistants. We are already getting into enough trouble as male chauvinists in this place. I am concerned about "entire horse" referring to a mare, as I am not sure whether this refers to a mare in foal or just to a mare. We are getting into troubled waters and if we start worrying about every form of animal, in the light of sexual discrimination, we will have much difficulty with many Bills in future. The Hon. Mr. Cornwall made a good point; if we changed it to "stallion"—

The CHAIRMAN: The Bill deals with a horse above the age of one.

The Hon. M. B. CAMERON: We are dealing with a word referring to a four-year-old horse. The word "stallion" may be in conflict with that description. We might have conflicting words in the Bill, and I suggest to the Hon. Miss Levy that, whilst it may be an important issue in her mind, there is general understanding that "entire horse" is a stallion. No-one denies the honourable member the right to raise issues on behalf of female horses, but I ask the honourable member to drop her amendment and leave the situation as it is. We are spending too much time on a rather innocuous and trivial issue. I ask the Committee to support the words standing in the Bill.

The Hon. J. R. CORNWALL: In a spirit of true compromise, I believe the issue can be overcome easily. In the understanding of the average reasonable man (certainly anyone who has ever been associated with livestock), a colt is a colt; a boy is a boy; a man is a man; it is as simple as that. A stallion is a stallion. If there are objections to the use of the term "entire horse", and I can see there are valid grounds for that, I wonder whether we could not simply change that to include "colts and stallions".

The CHAIRMAN: It is true that we could add the words "colt or stallion". It would then read "stallion or colt above the age of one year".

The Hon. C. M. HILL: I think the Hon. Mr. Cornwall killed the case that the Hon. Miss Levy made in her first submission, and she would be wise to take her colleague's advice and withdraw her amendment so that this committee could get on to more serious business.

The Hon. J. R. CORNWALL: An "entire horse", as I pointed out, has to be one in which both testicles are intact. The problem would be solved if the words "colt or stallion over the age of one year" was inserted. I offer that in the true spirit of compromise as a scholar and a gentleman.

The Hon. ANNE LEVY: I would be happy to take up the suggestion of the Hon. Mr. Cornwall and instead of using "stallion" to use "colt or stallion".

The CHAIRMAN: I suggest "stallion or colt".

The Hon. ANNE LEVY: Yes. I certainly do not wish to introduce ambiguity into the Bill. I am merely trying to update the language. I do not want to cause legal difficulties and I do not wish to have a great song and dance over this minor matter.

The CHAIRMAN: Does the honourable member seek leave to amend her amendment by adding the words "or colt" after "stallion"?

The Hon. ANNE LEVY: I so seek leave.

Leave granted; new clause amended.

New clause inserted.

Clause 2—"Duty of supervision in relation to bulls, stallions and rams."

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

Page 1, line 11—After "45a" insert "(1)". Line 13—After "any land" insert "within a prescribed area". After line 19—Insert—

(2) The Governor may make such regulations as are necessary or expedient for the purposes of this section.

When this Bill first came to us it was one altering the Impounding Act to cover the whole of the State. As was pointed out in the second reading speech, it would create a good deal of inconvenience in a number of areas where there is no problem in relation to entire stock, whether it be sheep, bulls or horses. To overcome that problem we decided to amend the Local Government Act to give local government the power to make by-laws in relation to any part of their council area.

The Minister of Local Government took exception to this and said the he would prefer not to have the Local Government Act amended, which makes it necessary to include this Bill as a regulation-making power. I would

hope the Minister making regulations under this Bill would seek the advice of local government areas as to which area should be prescribed for the operation of the Bill. My amendment merely makes the whole Act to be prescribed by regulation. I think that overcomes most of the problems that would be within the Act if it were passed without amendment.

The Hon. C. M. HILL: I ask either the Hon. Mr. DeGaris or perhaps you, Sir, whether what the Hon. Mr. DeGaris is seeking to do will be achieved by this amendment. It would seem to me the new subclause (1), which comprises the main part of the amendment, still stands and then the addition introduced by the Hon. Mr. DeGaris of giving the Governor power to make regulations as are necessary or expedient for the purposes of this section may well not achieve his objective. It would seem to me that the reference to prescription ought to be in the first part for the first part to apply.

The CHAIRMAN: The amendment says "any land within a prescribed area".

The Hon. A. M. WHYTE: I merely want to support the Hon. Mr. DeGaris's amendments because if it were not for them I could not support the Bill, which would have all sorts of implications which would not be acceptable to the greater number of landowners in the State. Clearly it should belong in the Local Government Act but since that was not possible to achieve I will accept these amendments.

Amendments carried.

The Hon. ANNE LEVY moved:

Line 11—Leave out "entire horse" and insert "stallion or colt".

Amendment carried; clause as amended passed.

New clauses 3, 4 and 5.

The Hon. ANNE LEVY: I move to insert the following new clauses:

3. The fourth schedule to the principal Act is amended by striking out the passage "entire horse" and inserting in lieu thereof the words "stallion or colt".

4. The fifth schedule to the principal Act is amended by striking out the passage "entire horse" wherever it occurs and inserting in lieu thereof in each case the words "stallion or colt".

5. The sixth schedule to the principal Act is amended by striking out the passage "entire horse" and inserting in lieu thereof the words "stallion or colt".

New clauses inserted.

Title passed.

Bill reported with amendments. Committee's report adopted.

PASTORAL ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Pastoral Act, 1936-1976. Read a first time.

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

That this Bill be now read a second time.

It gives effect to recommendations of the Pastoral Board in respect of several disparate matters. It amends the principal Act, the Pastoral Act, 1936-1976, by providing a penalty for failure by a lessee to comply with a notice given under section 44a of the principal Act restricting the number of stock which may be depastured on the land the subject of the lease. At present, the only penalty for such failure is forfeiture of the lease, which is too extreme in most circumstances. The amendment should enable more effective public control to be exercised over stocking of the renewable arid rangelands of the State. In addition, the Bill provides for metric conversion of the principal Act and removes certain obsolete provisions.

Clause 1 is formal. Clause 2 provides that the measure come into operation on a day to be fixed by proclamation. Clause 3 amends section 6 of the principal Act by inserting a definition relating to the dog fence. This amendment is of a drafting nature only. Clause 4 amends section 42c of the principal Act, which empowers the Minister to add small areas of land to existing leases without inviting applications for the land. The clause amends this section by eliminating the classification of pastoral lands into three classes, which are now inappropriate in view of developments in transport and communication. The areas which may be added to existing leases by this method are increased by the amendment to not more than 50 square kilometres in the case of land inside the dog fence and not more than 500 square kilometres in the case of land outside the dog fence.

Clause 5 amends section 44a of the principal Act by providing a penalty for failure to comply with a notice restricting the number of stock depastured on the land in question, and an evidentiary provision relating to the issue of a notice by the Minister. The remaining clauses of the Bill effect only drafting or consequential amendments or metric conversions.

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

URBAN LAND (PRICE CONTROL) ACT AMENDMENT BILL

In Committee.

(Continued from November 9. Page 1960.)

New clause 1b—"Certain transactions forbidden without consent of the Commissioner."

The Hon. B. A. CHATTERTON (Minister of Agriculture): The Government opposes new clause 1b because it strikes at the very heart of the whole legislation, in that quick resales of the same allotment can act as an accelerator to price increases; this would occur particularly if the land agent's commission was included. The whole purpose of the legislation is to prevent rapid escalation of prices. In the past, it has been commonly thought that, no matter what circumstances occur, some profit, no matter how small, is a foregone conclusion in any land transaction, but that does not automatically occur in other areas of property sales. The number of people who want to resell land as quickly as possible is small.

The Hon. R. C. DeGARIS (Leader of the Opposition): I cannot follow the Minister's reasoning. How can there be a rapid escalation in land prices in such circumstances? The escalation is limited to 10½ per cent per annum. I therefore cannot see how taking the agent's commission into account can cause rapid escalation in land prices in urban areas. It is possible, of course, for the purchaser to be the one who pays the commission. There is nothing in the Act to prevent that; this matter may be questioned. Including the land agent's commission may in some circumstances prevent a person from losing money if he is forced to sell. With the inflation rate still at 12 per cent per annum it is reasonable to allow the land agent's commission to be taken into account.

The Hon. B. A. CHATTERTON: If there are a number of quick sales of the same allotment in a period of weeks or months, the inclusion of the land agent's commission would be a rapid accelerator to the price of the allotment;

that would be a consequence of the Leader's amendment, and this is why it is not acceptable to the Government.

The Committee divided on the new clause:

While the division bells were ringing:

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

That the division of this new clause be postponed.

I do so because the bells for both Houses are ringing at the same time.

The CHAIRMAN: With the leave of the Committee, I am willing to postpone this division and to proceed with consideration of other clauses in the Bill.

Motion carried; further consideration of new clause 1b deferred.

Clause 2—"Power of investigation and inquiry."

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

Page 1—
Line 17—After "land" insert "to which this Act applies",
Line 2—After "land" insert "to which this Act applies".

This clause, as printed, enacts a new section 27a. The Hon. Mr. Hill, in the second reading debate, said how wide the powers being conferred by proposed new section 27a were. An inquiry could be made whether or not the Act applied to the land in question. It was stated in the second reading explanation that this new section was necessary in order to detect offences against the Act. Surely, this would be necessary only in relation to land to which the Act applied.

It seems to me to be absurd to suggest that it could be necessary to make inquiries and to ask questions regarding land to which the Act does not apply in order to detect offences against the Act. I submit, as the Hon. Mr. Hill said in the second reading debate, that it is an undue imposition on the citizen if he must make available documents and answer questions. That is onerous enough, but it is particularly onerous when it relates to land to which the Act does not apply. It has been suggested to me that an objection to my amendments could be that the relevant department operates on computer print-outs from the Valuer-General's Department, and that those print-outs do not specify whether land is land to which the Act applies.

The Hon. M. B. CAMERON: Mr. Chairman, I draw attention to the state of the Committee.

The CHAIRMAN: A quorum is present.

The Hon. J. C. BURDETT: I am told that the Valuer-General's Department's computer print-out does not specify whether the land referred to thereon is land to which the Act applies. However, surely it is possible for that department to make an inquiry before it goes to the relevant books and documents or before it asks a person to answer questions to enable it to determine whether or not the land is land to which the Act applies. If it is not possible for the department to determine this, it should be.

The Hon. M. B. CAMERON: Sir, I again draw attention to the state of the Committee.

The CHAIRMAN: A quorum is present.

The Hon. J. C. BURDETT: In any event, this Committee should not be governed by a computer. The Rev. Neil Adcock, in yesterday's *News*, pointed out the dangers of society's becoming a servant of the computer. If honourable members cannot debate a reasonable amendment because of a computer print-out, something is wrong. I fear that, if this amendment is not carried, there will be a possibility of a data bank being built up and of information being obtained about land that is none of the Government's business. How can it possibly be the Government's business to obtain details about transactions other than those to which the parent Act applies?

In any event, the provision in the Bill goes a fair way. As a rule, a person is not required to incriminate himself. Inquiries regarding his books cannot be made, and such a person cannot be called on truthfully to answer questions. The provision is a fair transgression of his ordinary civil rights, anyway, and I submit that it is an intolerable transgression if, under the Urban Land (Price Control) Act, there is power to inquire into transactions to which the Act itself does not relate.

The Hon. B. A. CHATTERTON: I oppose the amendments. As the Hon. Mr. Burdett said, the Government considers it necessary, because of the way in which the Act is administered, and as the Valuer-General's Department's computer print-outs are used as evidence of sales, to call for documents or to ask questions that arise from a study of those computer print-outs. Until those documents are produced or the answers obtained, it is not always possible to tell whether the land is subject to control. That is the purpose of this provision.

The powers that are sought in this new section would not be used lightly, and certainly would not be used to request information from people who were outside the area of control of land prices. This is the way in which information is obtained, and it is not always possible to ascertain whether a transaction is subject to control until certain documents are produced.

The Hon. C. M. HILL: I support the amendments, and commend the Hon. Mr. Burdett for moving them. I am dissatisfied with the Minister's explanation of the Government's viewpoint on this matter. As the Hon. Mr. Burdett said, it seems that the computer is becoming the absolute master in this matter. It is not right that a person should have to disclose information regarding the sale and purchase price of his house when making an application in respect of the price of land completely unrelated to that house. To have on the Statute Book legislation that gives Government officials power to call for information of this kind, on a matter completely unrelated to the subject under consideration by those officials, is certainly going too far.

It surprises me that the Government is casting its net so widely. Apparently, the Government does not take heed of the rights of the individual in instances such as this. I submit that it is the Government's duty to try to regulate or control its computer or to develop a system in which it can obtain the information it wants regarding an application for the fixation of land prices that it is considering.

I think the Government should be able to do this but to say, in effect, as a Government, "We cannot do that because the computer will not let us and, in lieu thereof, we want the right to ask the applicant to produce all details of the sale of any land irrespective of the application and then we will sift through all that information and take out matters that particularly concern us" is going too far. I do not think we are showing respect for the people if we pass legislation that goes as far as that. For these reasons, I support the amendment.

The Hon. B. A. CHATTERTON: I am not sure that I understood the Hon. Mr. Hill correctly. It seemed to me that he thought a great deal of information would be recorded on tapes, including information about all the property of the person concerned. The Government might not be able to determine whether the land in question was land to which the Act applied until certain questions had been answered.

The Hon. C. M. HILL: No; I did not intend to imply that. I gave an example of a person's own private house that came under the definition of "land"; but it does not matter whether or not the land has been improved: the legal definition includes improvements. Therefore, a transaction concerning a person's own private house would have to be produced by that person making the application for the fixing of the price of land completely unrelated to that person's house. I do not see that information concerning that person's house has anything to do with the application to the department, under this Bill, and is not a matter that should be brought forward under the law by a citizen in instances such as this.

For the Government to say, "Unless you do that, we cannot really work out the fixing of the price of land" is ridiculous, because it has nothing to do with it. It seems that the Government is admitting that it finds that the easiest way to tackle this problem is to ask the individual to produce every record concerning any land with which he has been concerned instead of being able itself to look into the application on hand and have regard only to any transactions relative to that land. It should be able to seek information from the applicant on that, but it should not go further into other transactions completely unrelated to the application in question.

The Hon. J. C. BURDETT: I think the matters raised by the Hon. Mr. Hill and me are valid anyway, irrespective of the matter to which I now intend to refer. I was not satisfied with the Minister's explanation. He said it might not be possible to determine whether the land in question was land to which the Act applied until the Government received the answers to certain questions. From my recollection of the principal Act, I cannot see how this can be so.

The main consideration seems to be the location or area, whether or not it was in a proclaimed area, and that can be readily determined by the department; also, the question whether or not the land was vacant can be readily determined, and other relevant details can also be readily determined by the department, including such matters as the date of purchase, etc., which can easily be checked by the department. So, in any event, the considerations I have mentioned are relevant, but I cannot see how, when some measure of research by the department is done (which it should be prepared to undertake in trying to detect offences against the Act), the department should not first have to ascertain whether or not the land in question was land to which the Act applied.

The Hon. B. A. CHATTERTON: There seems to be some misunderstanding on this as to the way it should be done. It is not intended to look into the details of residential housing in an area. The computer should be used merely to find out the values obtaining and, where it is considered there has been a sharp escalation in value, there might be a situation where this Act would apply. The purpose of this Bill is to enable the Commissioner to use the information obtained from the computer.

The Hon. J. C. BURDETT: The Hon. Mr. Hill's point still remains valid. The intention of the department may well be what the Minister has just described but, if the Bill is passed as it is at present, there is the fact that, as regards inspecting documents and making inquiries, while I would be satisfied with the present Minister's undertaking (as has been said before, Ministers change), certainly the Bill in its present form enables inquiries to be made and documents to be produced in respect of all land. If the documents are to be produced and inspected and a report made, I do not see why the department in question cannot first make inquiries as to whether or not the land in question is land to which the Act applies.

The Committee divided on the amendments:

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

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

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable further consideration to be given to this matter, I give my casting vote for the Ayes.

Amendments carried; clause as amended passed.

Clause 3—"Summary disposal of proceedings."

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

Page 2, line 5—Leave out "two years" and insert "one year".

At present, under the parent Act there is a limitation period of six months, and it is sought to extend the period to two years. The explanation that has been given for that has not satisfied me entirely. It has been stated that some people withhold documents from registration to escape detection until a later time. I suggest that most people concerned in land transactions would want their title, and that in not many cases would six months or 12 months pass without a person's wanting the transaction registered. The amendment makes the period one year, still extending the present period of six months.

The limitation period in the Land and Business Agents Act is two years, but that does not make the provision right, and the considerations in the two Acts are different. Many Acts contain a provision such as the amendment seeks to insert. The Land and Business Agents Act is complicated, covering all aspects of things done by a land and business agent and also covering cases where no land and business agent is involved. Many more things are covered by that Act than are covered by the principal Act in this case, which is simply concerned, regarding transactions, with whether an undue profit has been made.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I do not intend to debate the point at great length, because I think it is a question of judgment, and the need for inclusion of this provision is in regard to administration of the Act. I disagree with the Hon. Mr. Burdett that the Act is not complicated, and it is a matter of judgment whether it is as complicated as the Land and Business Agents Act. Transactions regarding land can be complicated, and I think that is why a period of two years has been provided. On experience, the Government has sought to have a provision similar to that in the Land and Business Agents Act.

Amendment carried; clause as amended passed.

Clause 4 passed.

New clause 1b—"Certain transactions forbidden without consent of the Commissioner"—reconsidered.

The Committee divided on the new clause:

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

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

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable this matter to be further considered, I give my casting vote for the Ayes.

New clause 1b thus inserted.

Title passed.

Bill read a third time and passed.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 9. Page 1958.)

The Hon. C. J. SUMNER: I wish to make a brief contribution to the debate. Obviously, the question of drug use and abuse in the community is a matter of considerable public importance and raises a whole series of questions into which I do not wish to go today, but there are one or two aspects upon which I would like to touch. Increased penalties may be of importance as a possible means of reducing drug abuse in the community.

I agree with several honourable members who have spoken on this subject in the debate, especially the Hon. Mr. Cornwall, the Hon. Mr. Blevins, the Hon. Anne Levy and, to a lesser extent, the Hon. Mr. DeGaris. All these honourable members have questioned in one way or another the effectiveness of trying to combat the so-called drug problem by increasing penalties. I agree that there are grave doubts about whether increasing penalties will be especially effective.

Previous speakers to whom I have referred have dealt with the situation in other countries, especially in the United States, where there is evidence to suggest that, despite severe penalties, the drug problem has escalated. I refer to the situation in South Australia where a similar position has obtained. Before the amending legislation of 1970, the penalty applying not only for possession and use but also for the manufacture and sale of drugs covered by the Act was £250 or imprisonment for a term not exceeding two years. In 1970 that provision was amended, because Governments at that time saw an increasing problem being faced by the community in respect of drugs.

Governments reached for what is usually considered to be the simple solution to such problems and decided to increase penalties for trafficking, use and possession. The penalty was increased in the case of use and possession to $2 000 or two years imprisonment, or both, and, in the case of producing, cultivating or selling, the penalty was $4 000 or imprisonment for 10 years, or both. In the ensuing six years, despite the substantially increased penalties in 1970, there has been no falling off in the use of drugs.

The Hon. J. R. Cornwall: The position has been the reverse.

The Hon. C. J. SUMNER: True. The report of the Australian Senate Select Committee on Drug Trafficking and Drug Abuse (Part 1, Parliamentary Paper No. 204) in 1971 concluded as follows:

Although there is no doubt that abuse of drugs is growing in Australia, the use of illegal drugs has not reached the epidemic proportions being experienced in other parts of the world.

Yet five years later Governments are concerned about the increasing use of drugs and are attempting to solve the problem, at least in part, by trying to discourage people from the use and abuse of drugs by increasing penalties. The increase in penalties in 1970 obviously did little to stem the tide of increasing drug use in South Australia.

I reiterate what other honourable members have said: the increase in penalties cannot be seen as an end to the matter or as a cure-all solution to the problem. I believe there is a case for an inquiry into all aspects of drug use, including classification of drugs, rehabilitation and penalties. Should any inquiry be undertaken, an important aspect would involve the role of criminal penalties in seeking to combat the situation.

Honourable members may have noted that I have been wary of using the term "drug problem". Often we try to categorise matters as a problem, for example, the Aboriginal problem, whereas it is society's attitude to the matter that is largely the problem. It is not the Aborigines that are a problem: it is the attitude of white society towards the position in which Aborigines find themselves in this community. In the same way we can talk of a drug problem, but I suggest that it is more society's problem about how society has produced people who feel the need to obtain release, enjoyment or "kicks" from taking drugs.

Naturally, it must be emphasised that society's problem is not just an illegal drug-use problem in respect of marihuana or the traditional hard drugs: instead, we have a drug problem or society problem concerning the drugs we consume legally, such as alcohol, cigarettes and other drugs prescribed often too freely by medical practitioners. One problem I foresee with this legislation concerns the attitude of the courts when they are faced with substantially increased penalties. How will the courts interpret Parliament's intention from this amendment? Certainly, the courts will see legislative recognition of what has been previously judicially conceded, namely, that marihuana is to be placed in a different category from that of hard drugs. Although possession and use of all drugs is still on the same basis in terms of penalties, that is, two years imprisonment or a fine of $2 000 or both, a distinction between marihuana and hard drugs has been made concerning production, sale, supply or possession for sale or supply and use of premises for production, sale, etc., and this, I believe, is at least a small step in recognising the position without going into the controversial area of the decriminalisation of marihuana or the decriminalisation of addiction to hard drugs. Certainly any inquiry that might be conducted into drug use would need to look at this problem.

This amendment recognises, first of all, that the use and possession of drugs is placed in a different category from that involving the sale, supply and cultivation, which was in fact recognised in the amending legislation of 1970. It goes further and recognises the distinction between marihuana, where the sale, supply and cultivation of marihuana still attracts a $4 000 fine or 10 years imprisonment or both, and trafficking in hard drugs involving an increased penalty of 25 years imprisonment or $100 000, or both.

My main concern, however, is what will be the court's attitude to the intention of Parliament in respect of user-pushers of hard drugs. In general, I think it can be said that the courts have adopted a reasonably sensible and humane approach to this matter, with some exceptions, within the confines of the legislation which has, of course, been fairly strict, and they have indeed recognised the necessity for the rehabilitation of drug offenders. The Full Court of the Supreme Court of South Australia really laid down the guidelines for the sentencing of drug offenders in the case of *R. v. Beresford* which is reported in 2 South Australian State Reports, at page 446. The Full Court, consisting of Justices Hogarth, Bright and Wells, made some useful comments on what procedures would be followed, and I quote from that judgment at page 451, as follows:

We are bound to take into account, so far as the material before us permits, as one factor influencing sentence, the type of drug used. Other material factors are the age and the antecedents of the offender.

That factor is taken into account by the courts in almost every criminal situation, so it is not peculiar to drugs, but what follows is:

Another important factor is the method and degree of use. Was the offender selling the drug for gain? Was he attempting to induce others to use it? What was the extent of use? Was the use an impulsive unpremeditated act or the result of a long-term plan?

I should mention that the first sentence that I quoted was what I was referring to when I mentioned judicial recognition of the fact that marihuana is a less harmful drug and, on some expert opinions, may not be harmful at all, but certainly less harmful than the so-called hard drugs. In fact, that judicial recognition has been carried right through to the magistrates' courts where penalties traditionally are lower for marihuana use and possession than for other drugs. The other matter which needs to be mentioned and was adverted to in this judgment is section 14a of the principal Act which states:

Where a person is convicted of an offence under this Act and the court is satisfied that it is expedient in the interests of the rehabilitation of the convicted person so to do, it shall, pursuant to the provisions of the Offenders Probation Act, 1913, as amended, impose a sentence of imprisonment upon the convicted person and suspend the sentence on condition that the convicted person undergoes such treatment as the court thinks appropriate to alleviate or control the convicted person's addiction to, or propensity towards the use of, drugs of dependence.

The Full Court in this case emphasised the fact that that section reflects the policy of Parliament with relation to the Act as a whole, namely, that action taken under it is to be remedial rather than punitive wherever this is appropriate. Within the confines of the legislation, I believe that the principles laid down in that case provide the basis for a reasonably humane and sensible approach to the question of drug offences.

My concern, however, is what attitude the courts will now take, particularly concerning the user-pusher, that is, the unfortunate addict who has become hooked on a hard drug and needs to sell the drugs in order to obtain enough money to continue to be a user. I am especially worried about the extent to which the court will consider these people to be caught by increased penalties. One would hope that the remedial policy in section 14a which I have just quoted would still be paramount and that the courts would use this rather than consider that Parliament had intended a harsh approach in these cases.

Certainly, in the case of the professional commercial pusher, one would expect the full force of the law to be applied, provided, of course, that he can be apprehended. The difficulty of apprehending the truly professional pusher and supplier of these drugs has been mentioned often in this debate. But, in connection with the unfortunate addict who is selling or pushing drugs in order to obtain money to continue his habit, I would certainly hope that this clause would not be interpreted as the go-ahead for imposing harsher penalties on that person and perhaps emphasising less the remedial sections and policy of the Act.

I certainly believe that, provided the courts continue to follow the line in the case of *R. v Beresford*, they will not do that; but unfortunately, by increasing penalties in such a *carte blanche* fashion for all pushers, sellers, and cultivators, the courts may interpret the intention of Parliament as being to impose heavier penalties on all of those, including those people who are addicted to hard drugs.

The Hon. F. T. Blevins: That would be a tragedy if they did that.

The Hon. C. J. SUMNER: That is right, and I am raising it as a problem at this stage. I trust that the courts will continue what has been their approach, in the main, up to this time, namely, a remedial one rather than a purely punitive one. It is a risk one takes. The courts may generally interpret Parliament as having said that penalties across the board must be increased, even though people may be addicts; that is one of the real dangers, and it could be overcome by more careful investigation of the criminal penalty that ought to apply in the case of addicts. The Government and Parliament should keep this legislation carefully under review, in the light of the judicial interpretation of its provisions, to ensure that rehabilitation is the paramount policy and that the courts continue to follow that policy.

The Hon. C. M. Hill: What are your views on the British system of treating addicts?

The Hon. C. J. SUMNER: It has some merit, but I find the whole matter extremely complex. I am glad to see that the debate in this Chamber has tended to avoid the sort of hysteria that one sometimes sees elsewhere.

The Hon. D. H. L. Banfield: What about the Hon. Mr. Hill's contribution to the debate?

The Hon. C. M. Hill: I was provoked.

The Hon. C. J. SUMNER: The Hon. Mr. Hill tried to introduce a partisan approach by trying to defend the indefensible actions of his Leader in the Lower House.

The Hon. F. T. Blevins: Did he have Dr. Tonkin in mind?

The Hon. C. J. SUMNER: Yes; he may have been trying to ingratiate himself with Dr. Tonkin for motives best known to himself. Although we are not getting a completely bi-partisan approach in this Chamber, at least the debate has been largely conducted without hysteria. The whole question of drug use, not just illegal drug use, needs reviewing dispassionately, to avoid the hysteria often associated with discussions in the press and in the public arena, where there are many misconceptions and inaccuracies.

The Hon. R. C. DeGaris: Do you think it is ever possible to get at the supplier who is not an addict?

The Hon. C. J. SUMNER: One would have thought it was, but experience in America and this country indicates that it is very rare for the heavy commercial pusher of drugs to be apprehended and convicted; I suppose we can speculate on the reasons for that. It may be alleged in some situations in New South Wales and Victoria that the police are not doing their job, but I do not wish to make any such allegations here. Obviously, in any human situation where large sums are involved, there may be corruption and bribery to provide incentives to the Police Force not to do its job; from what I have read, I believe that that applies fairly commonly in America, and there seems to be some evidence of it in the Eastern States, but I do not wish to make any allegations against our own Police Force. True, the person at the top can launder the supply of drugs to the pushers down the line, the person at the top remaining fairly immune by using middle men; that must make it difficult for the police to trace the person at the top.

The Hon. R. C. DeGaris: Experience has shown that the only way it could be done is to have a special police group that is virtually immune to the law.

The Hon. C. J. SUMNER: I do not accept that it is necessary to throw away all our concepts of civil liberties and to give the police powers beyond the normal law. In any event, I doubt whether the loss of traditional liberties and freedoms involved in the establishment of any such police group would be a price that would be warranted.

The Hon. F. T. Blevins: Would the Hon. Mr. DeGaris agree with the line he referred to?

The Hon. R. C. DeGaris: The only way you can contain the problem at the level we are talking about is

to have a group of police officers with unusual powers. I am not advocating it: I am making a statement.

The Hon. C. J. SUMNER: I agree that experience in connection with the apprehension of large-scale pushers of drugs does not give one much hope.

The Hon. A. M. Whyte: Some people get such lenient treatment that the Police Force is not encouraged.

The Hon. C. J. SUMNER: I do not think the courts have adopted a lenient approach to pushers of hard drugs when they are apprehended. The lenient approach, which I think is correct, applies to addicts, for whom there has been emphasis on rehabilitation. The Police Force should not feel demoralised. With those qualifications, I support the Bill. I am not convinced that it will be very effective, but I suppose that the increased penalties are worth a try. We ought to ensure that the whole administration of the legislation is kept under constant review. One would hope that some inquiry could be held reasonably soon into the whole area of the use and abuse of drugs in our society.

Bill read a second time.

In Committee.

The CHAIRMAN: The question is: That the Bill stand as printed.

The Hon. J. E. DUNFORD: I have watched the faces of Opposition members during the course of the debate, and they seemed to me to be a little sad that they had not taken the initiative in this respect. They should congratulate the Leader of the Government in the Council on introducing this Bill. Although I do not intend to suggest any remedy for the situation that exists in Australia, I should like to associate myself with this first development, instituted by the Government. This shows that the Government is in tone with the thinking of people outside.

The Hon. R. C. DeGaris: It was instituted by the national committee.

The Hon. J. E. DUNFORD: That is so, and one of the most forthright speakers on that committee was the Leader of the Government in this Council.

The Hon. M. B. Cameron: He was going to leave it until next July.

The Hon. J. E. DUNFORD: I cannot answer the Hon. Mr. Cameron's interjection. It is hard to ignore the honourable member because he has got those big ears. Last weekend, I read a book on this matter. In this respect, it was interesting to note one of the last questions asked by the Hon. Mr. DeGaris of the Hon. Mr. Sumner. He asked whether it would be possible for a special squad to be set up that dealt with this problem. This has been done in America, although it did not work. As one goes through this book, entitled, "The Annals of The American Academy of Political and Social Science, Volume 417, January, 1975. Drugs and Social Policy", one sees that in the United States of America they have tried everything about which we have read in our local press. They have tried everything that has been suggested in letters to the editor and in the debates on this Bill in the Parliament. However, those attempts have not succeeded. Too many people say that, if something cannot be done in America, it cannot be done in Australia either.

This Bill is a start, and it is at least a step in the right direction. It provides severe penalties for breaches of its provisions. On one aspect I do not disagree with Dr. Tonkin, the Leader of the Opposition in another place, who referred to those people who push drugs. He said:

Many drug pushers could be classed as being guilty of murder or manslaughter in the long term. Therefore, they should have to face the toughest possible penalty.

I agree with that, because these people are murderers. We will never be able to equate how much damage drugs have done to society and, indeed, to the whole of Western society. Every day of the week people ask politicians what is happening to our society.

I now refer to an inquiry which was conducted by the Hudson Institute in America. People ought to know about the figures referred to in that inquiry's finding, which may answer some of the questions that are being asked by people, especially of politicians. Part of the report is as follows:

The Hudson Institute has estimated daily consumption to average 55 milligrams, but with a wide distribution among users. The method developed by Mark Moore involved classifying addicts into seven categories ranging from "joy poppers", at four bags per day, to large habit dealers using 18 bags per day.

Cost of acquiring the heroin varies by the size of the market, but certainly in some cities it takes time and involves risk to find the market. The size of the heroin market, determined as a product of number of users, patterns of use, size of dosage per day and price, helps to define the supply—the amount of illicit trade and the amount of profits and size of import.

To convert estimates of data on purchases of heroin into the "crime generated" by maintaining the heroin habit requires knowledge on sources of funds used. Sources of funds for heroin have been estimated by Moore as follows:

	Per cent
Shoplifting	22·5
Burglary	19·0
Pickpocketing	5·4
Larceny	7·4
Robbery	3·4
Confidence games	4·7
Prostitution	30·7
Welfare	3·0
Other, legal sources	3·9
	100·0

That list refers to all the other crimes in our society, committed in this instance in the United States of America by those people who are trying to maintain the habit of drug taking. We should not think that what happens in America cannot happen here, because it will happen here if we do not do something about it. The book to which I have referred deals with every aspect of the drug problem. It also refers to "Primary prevention: the ultimate armament." Those who support the legislation of marihuana ought to consider this point. The report continues:

Finally, where do we stand with respect to primary prevention? All workers in the field of drug abuse would agree that the preferred first priority in drug abuse programs is to prevent, not to treat casualties after they occur. The fact of the matter is, however, that today our ability to conduct primary prevention is severely limited both by inadequate knowledge of the etiology of drug abuse and by the lack of prevention approaches with demonstrated effectiveness.

The Hon. A. M. Whyte: Do you think this Bill leans a bit towards freeing marihuana?

The Hon. J. E. DUNFORD: I should not think so. That is another issue. I am pleased the Hon. Mr. Whyte asked that question, as I believe that every Government member is aware of the dangers of using marihuana. In fact, one has merely to refer back to the Australian Labor Party convention, the highest deliberative body of the Party to which my colleagues and I belong, which was held last June, to see this.

The Hon. D. H. L. Banfield: Was it open to the press?

The Hon. J. E. DUNFORD: Yes, it certainly was. That conference decided to institute an inquiry into the use of marihuana.

The Hon. J. C. Burdett: It included purity of product.

The Hon. J. E. DUNFORD: This Government is responsible enough to go further than that. I believe that a Royal Commission could even be appointed.

The Hon. J. C. Burdett: The terms of reference seem to contemplate use.

The Hon. J. E. DUNFORD: That is not how I understood it. Perhaps the Hon. Mr. Burdett read a different book. I was at the conference to which I have just referred for the whole of the four days that it was convened, and the intention was to inquire into the effects of the use of marihuana in society.

The Hon. C. M. Hill: Could I ask you a question?

The Hon. J. E. DUNFORD: No, I am sick of your asking questions.

The Hon. C. M. Hill: Does everyone on your side oppose the legalisation of marihuana?

The Hon. J. E. DUNFORD: I do not question my colleagues. I know that they are bound by the Party's decision and the decision made regarding the inquiry. They all endorse that action.

The Hon. F. T. Blevins: Yes, we all agree.

The Hon. J. E. DUNFORD: It is interesting to note that we have seen many press reports on this matter. In fact, there are not really enough reports, because the press (I am not seeking any press publicity from this debate) should give some coverage to this debate. Some statements have been made here—for instance, by the Hon. Mr. Carnie—reminding us that the Minister of Health, in his second reading explanation, said that it had become common for drugs valued at $500 000 to be confiscated and that this was simply the tip of the iceberg. If it is only 1 per cent, that means $50 000 000 worth of drugs coming into the country. I do not agree with the honourable member when he states (I hope the press will get this to the public):

I am told that it is almost impossible to go to a young people's party anywhere now at which marihuana is not smoked.

That is ridiculous; his information about marihuana is false.

The Hon. J. A. Carnie: It is true.

The Hon. J. E. DUNFORD: I have attended young people's parties. They have not been smoking pot, not even cigarettes. The Hon. Mr. Carnie should be careful about what he says, because these things are recorded. However, with all due respect to the honourable member, a statement on the British Pharmaceutical Society's interpretation as to what has happened as a result of the attitude to marihuana should be pointed out. Following that, I was pleased that the Hon. Anne Levy gave some enlightening figures of what is going on in America today.

The Hon. R. C. DeGaris: Does the Hon. Anne Levy support the legalisation of marihuana?

The Hon. J. E. DUNFORD: I do not think she does, and I understand her better than some other members do. She is a democrat, exploring everything. She has a very inquiring mind, and the public should know about that.

The Hon. R. C. DeGaris: You have it under control, have you?

The Hon. J. E. DUNFORD: The Hon. Anne Levy should be congratulated on giving these figures which should be given to the public. I shall read out what she says, because I want to associate myself with it. She says:

I thoroughly endorse the policy that recognises that marihuana is different from other drugs physiologically, psychologically, and in its social effect in present-day society. Marihuana is far more widely used now than are any of the hard drugs, although it is far behind the social-acceptable and legal drugs, alcohol and tobacco.

In the United States, Government-sponsored surveys and Drug Abuse Council surveys show that many Americans both approve of and use marihuana. The latest surveys show that 13 000 000 Americans are now marihuana users and that 8 per cent of adults and 12 per cent of persons aged between 12 years and 17 years had smoked marihuana within the past month and expected to do so again. Furthermore, 34 000 000 Americans have smoked marihuana at least once, and these constituted 19 per cent of the adult population and 23 per cent of the youth group. The greater proportion of young people compared to older people who use marihuana suggests that, with time, attitudes to the drug are changing—

there is no doubt about that—

and that increasingly there will be social acceptance of moderate marihuana use.

The nation-wide survey by the National Institute of Drug Abuse in the United States, released in October last year, showed that 53 per cent of those aged between 16 years and 25 years had used marihuana at some time, although only 25 per cent were current users at the time of the survey. These are substantial proportions that cannot be ignored by legislators who are concerned with social questions.

I think the Hon. Anne Levy gave the Opposition and the Council a fair warning that we cannot ignore these figures, that it could happen in Australia unless we support this Bill. That is how I interpret it, and that is how the Hon. Mr. DeGaris should interpret it, if he is as concerned as I am. I do not know whether he is; we got a lot of interjecting from him; he gets an opportunity to speak, and should speak.

The Hon. J. C. Burdett: We are letting you speak.

The Hon. J. E. DUNFORD: We know the Opposition does not like us to say anything about the capitalist or private enterprise system, but drugs are all about its supporters who believe in private enterprise—rich people, people who bribe other people, people whose only guiding light is money. That is very true. Let us see how private enterprise is jumping into it in America now. In this morning's newspaper (we do not see trade unions talking like this) we read:

Some American tobacco companies had already bought land to grow marihuana when it is legalised, a drug expert said yesterday. Dr. E. Block, an adviser to Sweden's National Defence Research Institute, said it was "very likely" marihuana would soon be marketed legally, like cigarettes. Dr. Block, 44, who is on a nine-week fact-finding tour across the world for the Swedish Government, said it would not be long before several United States States legalised marihuana. He said he was opposed to marihuana.

There you have a man who is opposed to marihuana talking about the idea of having marihuana cigarettes marketed legally. He says that for one reason—not because he supports it, but for the profit motive.

The Hon. A. M. Whyte: You cannot read that into it, because he is completely condemning marihuana the whole way through; he just stated what was going to happen.

The Hon. J. E. DUNFORD: Let us see what happened the other day in Sydney. I am giving reasons why we should support the Bill. This is a newspaper report of November 9, the heading being "Six on $3 000 000 hashish charge". What would be the effect of a $100 000 fine on six people being caught in one swag, with a load like this valued at nearly $3 000 000? They probably smuggled several similar amounts in the last 12 months?

The Hon. R. C. DeGaris: Probably all Labor voters.

The Hon. J. E. DUNFORD: Let us be fair about this.

The Hon. R. C. DeGaris: You made some allegations about us.

The Hon. J. E. DUNFORD: I said that members opposite support the profit motive. These people are profiteers.

The Hon. R. C. DeGaris: Don't you support the profit motive?

The Hon. J. E. DUNFORD: No.

The Hon. R. C. DeGaris: Then why do you take your pay? Do you think you are underpaid?

The Hon. J. E. DUNFORD: I can explain exactly what happens to all my pay.

The CHAIRMAN: Order!

The Hon. J. E. DUNFORD: Here is an example of what is going on in Australia, with six people on hashish charges. Almost every day in the newspaper we find a similar article, though not perhaps to the extent of $3 000 000, but it will grow unless something is done about it by the Government. Governments have a responsibility in this matter. There are some people to whom I speak who are worried about it, asking whether the police or the Government is going to do something about it. I agree it is our responsibility.

When the Hon. Mr. DeGaris interjected on the Hon. Mr. Sumner and asked him whether anything could be done and whether big operators could be caught, he said he believed they could be. They are not being caught in America, because there is corruption in that country at every level of the Police Force and in every form of Government. This has never been denied, certainly not by American politicians. I also believe that there is corruption in Australia. It is not political and it is not large-scale corruption in the Police Force in relation to drugs, but we must have a well-paid Police Force and a better type of person being attracted into the force. The qualifications of some people going into the force in Queensland when I was a shearer there were such that they could not get another job. We must have conscientious law enforcement officers and they must be properly paid.

The addict pusher has been mentioned. Everyone is concerned about the person who is led into using drugs, not always willingly but by being coerced by leaders of gangs. These persons are sometimes tricked and hooked, and they could be the children of any of us. They should be offered all the assistance available and they should not be guilty of a crime. However, there must be a stop somewhere. I have sympathy for people who fall into this category.

One of the best contributions made to this debate was made by the Hon. John Cornwall. He has studied the matter and he is more concerned than anyone else about the drug problem. He said that we must start with education. It is no good starting when our children are in their late teens or going to some of the parties that the Hon. Mr. Carnie has mentioned. Recently my son brought home a pamphlet from Morialta High School and, if the Minister and the Government is responsible for it, they ought to be congratulated. The pamphlet is headed "Drugs" and deals with the questions that children are asking.

The Hon. R. C. DeGaris: Who put the pamphlet out?

The Hon. J. E. DUNFORD: The Communist Party of Australia. No, I may tell the Leader later. The pamphlet refers to the questions that children are asking, and refers to the fuss about drugs, dependence on drugs, psychological dependence, physical dependence, how it happens, the effects of drug abuse, which drugs cause dependence, stimulants, sedatives, the narcotics, marihuana, lysergic acid diethylamide, alcohol, tobacco, and treatment. The pamphlet concludes with the following statement:

And remember—almost any kind of drug is likely to be harmful if it is not prescribed and correctly used for a definite complaint. Most drugs commonly taken without advice are unnecessary. Be wise—learn to live your life by coping without drugs unless a doctor orders them.

Printed at the end of the pamphlet is, "A. B. James, Government Printer, South Australia."

The Hon. R. C. DeGaris: All this began in 1969, with the conference to which I have referred.

The Hon. J. E. DUNFORD: Many adults could read this pamphlet and learn much from it. It has helped me to make my speech today. I earnestly support the Bill.

The Hon. M. B. CAMERON: It is difficult to speak at the Committee stage, because the problem arose with the Hon. Mr. Dunford. I was pleased that the honourable member supported all the clauses of the Bill. I do not think he really understands what his own members, particularly the Hon. Miss Levy, think. I say that without reflecting on her or her attitudes. She stated:

Meanwhile, we are taking the first step towards decriminalsing marihuana.

One of the purposes of the Bill is that it is the first step towards decriminalising marihuana. In concluding her speech, the Hon. Miss Levy said:

This first step is very important in principle in distinguishing between marihuana and the narcotic drugs as to the maximum penalties imposed in this legislation.

Before saying that, she had said that we were taking the first step towards decriminalising marihuana and I wonder whether we are, because I am not sure that I would support that step. In supporting all the clauses, I do not intend to support the decriminalising of marihuana. Perhaps the Minister could explain whether this is the first step in that direction and say whether he supports the view put forward by the Hon. Miss Levy. This matter is important, and it would guide my attitude to the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): The main purpose of the Bill is to try to get at the pusher.

The Hon. ANNE LEVY: All the States, at a meeting of Ministers, agreed to the separation of penalties for marihuana from those in relation to other drugs.

The Hon. C. J. SUMNER: Obviously, the question of decriminalising marihuana is a serious matter. This Bill does not go any way towards doing that. It draws a distinction in relation to marihuana, which medical authorities have recognised as being less dangerous than the so-called hard drugs. It recognises that by providing the same penalties that presently exist for supply etc., of marihuana (10 years imprisonment or $4 000, or both) but increases the penalties in relation to hard drugs. That distinction accords with the medical and judicial realities on which the courts have acted for years.

As the Hon. Mr. Cameron is aware, the Australian Labor Party Convention passed a motion requesting the Government to establish an inquiry into the decriminalisation of marihuana. That motion has been publicised, and that will be done. The matter of the wisdom or otherwise of the decriminalisation of marihuana or of drug policy generally, as the Hon. Mr. Dunford indicated, causes differing points of view to be exhibited within our Party as it does within the Party of honourable members opposite. It is improper for the Hon. Mr. Cameron to introduce this petty point into the debate at this stage, because he well knows the history of the matter in our Party and the reason for the Bill's introduction.

The Hon. M. B. CAMERON: I take exception to the childish attempt of the Hon. Mr. Sumner to imply that I introduced a red herring into the debate. The honourable member should read the Hon. Anne Levy's speech. This is the first opportunity I have had to raise this matter, because I decided not to speak in the second reading debate and raise this issue in Committee, which I thought was the proper place in which to get questions answered. I repeat what the Hon. Miss Levy said, as follows:

We are taking the first steps towards decriminalisation of marihuana.

Those words do not equivocate in any way. True, perhaps red herrings have been introduced, but by other honourable members, particularly the Hon. Mr. Dunford, who suggested that as we supported the capitalist classes we supported the drug pushers because they were making money from the sale of drugs. What rubbish! That is the argument I would have thought the Hon. Mr. Sumner would have rubbished, instead of rubbishing a serious question that I asked. Although the Minister attended a meeting at which agreement was made on this matter, can he say whether it was the consensus of the meeting that this step be taken by all Governments in Australia to decriminalise marihuana in the long run?

The Hon. D. H. L. Banfield: I indicated the purpose of the Bill previously.

The Hon. M. B. CAMERON: The Minister did not.

The Hon. D. H. L. Banfield: I previously indicated the Bill's purpose.

The Hon. M. B. Dawkins: You didn't answer the question.

The Hon. D. H. L. BANFIELD: I object to the Hon. Mr. Dawkins' saying that I did not answer the question. The Hon. Mr. Cameron asked me a direct question and I gave him a direct answer.

The Hon. C. M. HILL: Does the Minister agree with the contention of the Hon. Anne Levy?

The Hon. D. H. L. BANFIELD: I agree with the clauses in the Bill. Honourable members will next be asking me whether I agree with everything that has been said, but that is not my job. It is up to honourable members to convince the Committee about what is the best thing to do.

The Hon. C. M. Hill: It's your job to answer questions.

The Hon. D. H. L. BANFIELD: It is not—

Members interjecting:

The Hon. F. T. BLEVINS: On a point of order, I take strong objection to the Hon. Mr. Hill pointing to the Minister and shouting abuse at the Minister and not being pulled up by the Chair.

The Hon. C. M. Hill: Why don't you—

The Hon. F. T. BLEVINS: Why doesn't the Hon. Mr. Hill wait until you, Sir, have answered my point of order?

The CHAIRMAN: I hardly think the Hon. Mr. Hill was shouting abuse. He was trying to urge the Minister to give an answer—

The Hon. D. H. L. Banfield: On something that is not contained in the Bill.

The Hon. M. B. CAMERON: Does the Minister support the contention of the Hon. Anne Levy?

The Hon. D. H. L. Banfield: It's not in the Bill.

The Hon. M. B. CAMERON: The Hon. Anne Levy claims that this is the first step towards the decriminalisation of marihuana.

The Hon. D. H. L. BANFIELD: Yesterday, it was suggested that the Bill had to be dealt with in a hurry. Who is holding it up now? The Leader of the Opposition in another place said he wanted the Bill dealt with urgently and, because I am attempting to cut down debate to meet this request, we now find that honourable members opposite are holding up the Bill. If honourable members opposite tell me that they do not want the Bill, we will see what can be done.

The Hon. M. B. CAMERON: The Minister will not stop me dealing with the matter with that sort of nonsense. It was not an Opposition member who adjourned the Bill yesterday. We were happy to pass it yesterday. The Minister decided to hold it over.

The Hon. D. H. L. Banfield: Not at all.

The Hon. M. B. CAMERON: The Minister did not want to introduce it until next year.

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

The Hon. M. B. CAMERON: The Minister is not willing to answer the question because it would embarrass him. Does he agree with the point advanced by the Hon. Anne Levy that this is the first step towards decriminalisation of marihuana? Will he give the Committee an assurance that that is not the case?

The Hon. D. H. L. BANFIELD: The answer to the honourable member is that that has nothing to do with the Bill. Much has been said about this matter, and I will not deal with all these points raised by members during the debate. I agree with the contents of the Bill.

The Hon. M. B. CAMERON: If a member from this side made such a statement the Minister would be happy to canvass it and criticise it. However, if that is the correct interpretation of the matter, I am concerned about supporting the Bill. Although I will not withdraw my support for it, I want it recorded that, in supporting the Bill, I am not supporting any move whatever towards the decriminalisation of marihuana.

Motion carried.

Bill read a third time and passed.

POULTRY PROCESSING ACT AMENDMENT BILL

(Second reading debate adjourned from November 2. Page 1780.)

Bill read a second time.

The Hon. J. C. BURDETT moved:

That it be an instruction to the Committee of the Whole that it have power to consider new clauses relating to the creation of an appeal tribunal.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Arrangement of Act."

The CHAIRMAN: It may be more convenient to postpone consideration of this clause until we reach new clause 10a.

Consideration of clause 4 deferred.

Clause 5 passed.

New clause 5a—"Non-application of this Act".

The Hon. A. M. WHYTE: I do not wish to proceed with this new clause. I would be satisfied if the Minister could give me an undertaking that its intention is in fact already covered in the Bill itself. The new clause was to provide that "nothing in the Act shall apply to or in relation to a person who conducts or has control of an establishment that in any period of 12 months raises not more than 5 000 chickens for processing for the purpose of producing carcasses for sale". My intention was to exempt the small producer from the entanglement

of this Act, but it does appear that in some cases, where a person may wish to be termed a producer, he would in fact be exempt under my amendment. Will the Minister give an assurance that there is no intention that a person producing fewer than 5 000 birds would in fact be prohibited in this regard unless he became a registered grower?

The Hon. B. A. CHATTERTON (Minister of Agriculture): I can give an assurance that it is not the intention of this Bill to cause hardship to the smaller producer. I think it is important to realise that no specific number is to be applied, as it could act against smaller producers' interests in some cases. I can give the honourabe member an assurance that no small producer would be disadvantaged in any way. The legislation in no way disadvantages the small producer. If he does not come under the ambit of this legislation, however, he may well be disadvantaged in some cases, and that is why no exclusion is provided.

The Hon. A. M. WHYTE: I am satisfied with that undertaking by the Minister: I think it covers the point I have raised. I do not agree with him that a number could not be put in the Bill, but there seems no necessity for it, since the designers of the Bill and the growers themselves are satisfied that a person producing fewer than 5 000 birds is not, in their minds, in any way connected with the intention of the legislation. They are mainly concerned with the growers in the hundreds of thousands and chickens up to the age of 16 weeks, and the small producer (less than 5 000) would not enter that category.

Clause 6 passed.

Clause 7—"Enactment of s.11a and Division 3 of principal Act—"

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

Page 3, after line 14 insert:

11aa. (1) For the purposes of this Division, the Minister may by notice declare the operator of any registered plant or plants to be a "declared operator" and the Minister may by subsequent notice revoke any such declaration.

(2) The Minister shall not make a declaration under subsection (1) of this section in relation to an operator unless he is satisfied—

(*a*) that the registered plant or plants conducted by or under the control of that operator have processed for sale not less than fifteen per cent of the chickens processed in the State during the period of twelve months immediately preceding the day on which that declaration is made;

and

(*b*) that the registered plant or plants conducted by or under the control of that operator accept for processing all or the greater part of the chickens raised on three or more farms.

(3) For the purposes of this Division, the Minister may, by notice, declare the operator of a farm on which all or the greater part of the chickens raised are supplied to a declared operator to be a specified farm in relation to that operator.

(4) The Minister may by notice in writing require—

(*a*) every declared operator to nominate two persons and from the two persons so nominated the Minister shall appoint one to be a member of the committee and one to be a deputy of that member;

(*b*) the operators of the farms specified in relation to each declared operator to nominate two persons and from the two persons so nominated the Minister shall appoint one to be a member of the committee and one to be a deputy of that member.

(5) Where within the period specified in the notice under subsection (4) of this section (not being less than twenty-eight days) the required nominations are not received the Minister may appoint such suitable persons as he sees fit to be a member of the committee and deputy of the member and any such appointment shall be a valid and effective appointment.

(6) The Minister may by notice in writing appoint—

(*a*) one person, who in the opinion of the Minister, can represent the interest of operators of plants other than declared operators, to be a member of the committee, and one person to be a deputy of that member; and

(*b*) one person, who in the opinion of the Minister, can represent the interests of operators of farms other than the operators of farms who are stamped in relation to a declared operation, to be a member of the Committee and one person to be a deputy of that member.

At the second reading stage, I stated there were some aspects of this Bill which disturbed me and my colleagues. As a result of our deliberations, and the fact that we were able to discuss the matter with a number of producers and also with the Chairman of the working party (and I thank the Minister for that opportunity to discuss the matter), we have come up with amendments. I say "we" because two of my colleagues also intend to move amendments to the Bill. I hope that our amendments are acceptable to the Minister and will overcome some of the anomalies that concern us in this Bill.

My amendment provides for the Minister to select the members of the committee from people who are nominated by the interested parties, whereas the Bill at present provides only for the Minister to select people for those positions. This rather complicated amendment provides for the nomination by the three large producers (the declared operators), and also by the three larger groups of producers, of nominees from whom the Minister would have the opportunity to select as members and deputy members of the committee. The Minister would also have the opportunity to nominate a person to represent the small producers and also a person to represent the small processors. This will mean that there will probably be a nine-member committee. The second amendment, which I intend to move later, strikes out new section 11b (2) (*b*) and inserts a new provision to replace it. I also intend to move an amendment in connection with the term of office and another consequential amendment.

[*Sitting suspended from* 5.49 *to* 7.45 *p.m.*]

The Hon. B. A. CHATTERTON: We see from this lengthy amendment that consultations are required to carry out what the honourable member wishes to do. I do not think it is really necessary to have this amendment, which is embodying in the legislation the sort of procedure that the Minister responsible for this Bill would have carried out anyway; so I shall not oppose the amendment but merely say it is a more complicated procedure than we should have in this Bill.

Amendment carried.

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

Page 3—

Lines 22 to 31—Leave out all words in these lines and insert—

(*b*) such number of members, and deputies of members, as are appointed by the Minister under subsections (4), (5) or (6) of section 11aa of this Act.

Lines 37 to 40—Leave out all words in these lines and insert—

11c. (1) A member of the committee shall be appointed for a term of office of three years and subject to this Part shall be eligible for reappointment.

Lines 41 and 42—Leave out all words in these lines and insert—

(2) A deputy of a member while acting in the,

The first is a consequential amendment. The second amendment provides for a set period for the appointment of members of the committee instead of periods "not exceeding three years" as was provided in the Bill. The third amendment is also consequential.

Amendments carried; clause as amended passed.

Clause 8—"Repeal of heading to Part III of principal Act and enactment of heading and sections 11h to 11i in its place."

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

Page 6, line 22—After "approved farms" insert "using existing facilities".

This amendment is intended to make the Bill slightly more acceptable. I referred in my second reading speech to my general low regard for the way in which this Bill tends to close up the industry except to people at present involved in it. I do not approve of that approach and, no matter what section of a community made approaches in this regard, it would have my support. It is important in a free enterprise country that people should have the opportunity to do things as they want to.

The Hon. J. E. Dunford: That's why we have unions.

The Hon. M. B. CAMERON: We must have unions, of course, although I think that sometimes protection goes beyond reason and becomes an impediment to workers, but that is another argument. This Bill will lead to problems because, when we introduce restrictions like these, we end up with problems; there will not always be agreement. We are really leaving it to the person in the middle to solve the problem, which is difficult for him.

As this Bill stands, that person would have no choice; he could not grant any additional approval to persons not already in the industry. In other words, it would be a closed shop. I do not approve of the Bill or of that approach. No doubt, it will be difficult to get approval for people outside the industry to enter it; that will be the case, but at least with this amendment there will be an opportunity whereas, as the Bill stands, there will be no opportunity, with the restriction there. In theory, perhaps a person could get in, but in practice only the operators of approved farms would have the first bite of the cherry, no matter whether they had existing facilities or wanted to create new ones. It is important that people outside the industry should be considered.

The Hon. B. A. CHATTERTON: This is a difficult and narrow line to draw, because obviously the intention of the Bill is to protect people in the industry and yet not make the protection so great as to keep people outside from coming in, in appropriate cases. It is difficult to judge how far this legislation should go. The history of most agricultural legislation has been connected, unfortunately, with the effects of competition in the market place, which more often bankrupts farmers than benefits them. On many occasions, there has been organised marketing of commodities, and this situation should be judged in that light. I have no objection to this amendment; it may clarify the present position.

The Hon. C. M. HILL: I commend the Hon. Mr. Cameron for moving the amendment and I commend the Minister for accepting it. The situation will not be the same as it has been previously. By the amendment, new entrants to the industry will have a better opportunity, and the amendment largely removes the fear that was expressed in the second reading debate.

The Hon. M. B. DAWKINS: I support the amendment. Our consultations with the producers, the Minister, and the Chairman of the working committee have brought these amendments forward, and the one we are considering is important. I was criticised for saying that the industry was something of a closed shop. However, I believe that it is, and this amendment removes something of that closed-shop position.

The Hon. J. A. CARNIE: I strongly opposed the restriction on new people coming into the industry, and the amendment has opened the door.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

New clause 10a—"Enactment of Part IIIA of principal Act."

The Hon. J. C. BURDETT: I move to insert the following new clause:

10a. The following Part, heading and sections are enacted and inserted in the principal Act immediately after section 16 thereof:

PART IIIA
Appeals

16a. In this Part—

"the tribunal" means the Poultry Farmer Licensing Review Tribunal constituted under the Egg Industry Stabilisation Act, 1973-1974.

16b. (1) A person aggrieved by a decision of the committee under this Act may within the prescribed time and in the prescribed manner appeal to the tribunal.

(2) On appeal under subsection (1) of this section the tribunal may—

(*a*) dismiss the appeal and uphold the decision;

(*b*) uphold the appeal and quash the decision or substitute for that decision any other decision that in the opinion of the tribunal the committee was competent to make.

16c. The procedure for the conduct of business before the tribunal shall, subject to this Act, be as determined by the tribunal.

I said in the second reading debate that I would seek to provide an appeal procedure. The committee is powerful and may affect the livelihoods of people by its decisions. It has fairly wide discretion on the terms and conditions of the agreement, and there should be an appeal to other than the Minister. The Poultry Farmer Licensing Review Tribunal under the Egg Industry Stabilization Act has worked well and I have provided to use that existing tribunal.

The Hon. B. A. CHATTERTON: I accept the amendment. The Poultry Farmers Licensing Review Tribunal is an appropriate one to which to refer appeals. It is operating effectively and is competent to deal with these appeals.

New clause inserted.

Clause 11 passed.

Clause 4—"Arrangement of Act"—reconsidered.

The Hon. M. B. DAWKINS moved:

Page 1, after line 21—insert "Part IIIA—appeals."

Amendment carried; clause as amended passed.

Title passed.

The Hon. B. A. CHATTERTON (Minister of Agriculture) moved:

That this Bill be now read a third time.

The Hon. M. B. CAMERON: Normally, despite the acceptance of my amendment, I would intend to vote against the third reading, because I have grave doubts about this course of action in relation to marketing of any primary produce. However, because I understand the problems of this industry, I will support the third reading. It is most unfortunate that we must control production in order to achieve a reasonable return. One of the biggest

problems for primary producers is the cost of getting the produce to the marketing stage, and these costs have got out of control largely because of the price of the goods and chattels needed for production. The tariff policies of the past 20 or 30 years show how these problems have arisen. Many items required for production are obtainable only at too great a cost.

The Hon. B. A. Chatterton: Are you in favour of the I.A.C. recommendations?

The Hon. M. B. CAMERON: I am much in favour of what it is doing currently because it is indicating to the country how much we pay above what would be ordinarily the cost if we purchased from the same place that we sold to.

The Hon. N. K. Foster: You should criticise the United States; it is the worst offender.

The Hon. M. B. CAMERON: True. That is the area from which so many problems arise in Australia. The community generally believes that primary producers are subsidised, and in some strange way they have allowed themselves to be set up as being subsidised when, in fact, in Australia, indirect subsidies such as tariffs are paid to a much greater extent to secondary industry.

The Hon. B. A. Chatterton: How does this relate to poultry industry costs?

The Hon. M. B. CAMERON: I refer to the production cost of feed for poultry; harvesters are subject to an enormous tariff, but they are needed to produce wheat.

The Hon. J. E. DUNFORD: Will the honourable member give way?

The Hon. M. B. CAMERON: Yes.

The Hon. J. E. DUNFORD: Some years ago the Deputy Prime Minister (Mr. Anthony) suggested that eventually farmers would have to form co-operatives in order to better utilise the expensive machinery required for production, but the suggestion was not accepted by farmers. Is this what the Hon. Mr. Cameron is suggesting?

The Hon. M. B. CAMERON: If that is a more efficient means of production, I am sure farmers will come to that conclusion.

The Hon. R. C. DeGaris: Would it not be far better if our system was based on the payment of a bounty so that manufacturers, instead of getting tariff protection, received a bounty so that we could see where the subsidy was going?

The Hon. M. B. CAMERON: I agree completely with that concept. For example, there used to be a bounty on tractors, and it was ideal because farmers purchased their machinery at the right price. There was an identifiable cost and the community could not suggest that the farming community were the only people subsidised.

The Hon. N. K. FOSTER: Will the honourable member give way?

The Hon. M. B. CAMERON: Yes.

The Hon. N. K. FOSTER: The honourable member has overlooked that the bounty applied only to certain tractors from the United States. It was not all-embracing.

The PRESIDENT: Order! How does that bounty relate to the Bill?

The Hon. M. B. CAMERON: Tractors are required to produce wheat to feed chooks. I point out to the Hon. Mr. Foster that, in Western Australia, Chamberlain obtained the bounty but it did not produce its tractors in the United States. It is unfortunate that because of high costs we are faced with such legislation. That is the main reason for this Bill. Primary industries will be forced to accept such legislation because of increased costs. It is most unfortunate that primary producers are the only people so subsidised. I do not support this approach to the marketing of produce and I hope that Parliament does not introduce similar Bills.

The Hon. D. H. L. Banfield: Will you vote against it?

The Hon. M. B. CAMERON: I will not vote against this Bill because of the special circumstances surrounding it. A monopoly is almost developing, but I hope the Minister will not take this action in other areas or believe that the green light has been given for such legislation to be adopted in other primary industries.

The Hon. M. B. DAWKINS: I support the third reading of the Bill because we have been able to improve the Bill considerably by removing some of the anomalies in respect of a closed-shop situation.

Members interjecting:

The Hon. N. K. Foster: The newspaper—

The PRESIDENT: Order! Will the Hon. Mr. Foster refer to his newspaper less volubly.

The Hon. M. B. DAWKINS: The Bill still contains some of the disadvantages referred to by the Hon. Mr. Cameron, and I am concerned about such legislation, but it was not originally acceptable because of the closed-shop aspect. That situation has been alleviated to some extent and I am therefore willing to support the third reading. In its original form the Bill was unacceptable—

The Hon. N. K. Foster: Why don't—

The Hon. M. B. DAWKINS: —but it has been changed through consultation between the Minister, who has been co-operative in this matter, the Chairman of the working party and the Hon. Mr. Cameron, the Hon. Mr. Whyte, the Hon. Mr. Burdett and myself. The Bill has been brought into a form that is acceptable and, regardless of the inane interjections of the Hon. Mr. Foster, I support the third reading.

The Hon. N. K. FOSTER: The Hon. Mr. Dawkins referred to a closed-shop. It is still a closed-shop, and there is nothing wrong with that. I want to take the honourable member to task about the closed-shop situation and because of his closed-mind attitude to other matters.

Bill read a third time and passed.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

In Committee.

(Continued from November 9. Page 1946.)

Clauses 2 to 17 passed.

Clause 18—"Appointment of advisory committees."

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

Pages 7 and 8—Leave out this clause and insert new clause as follows:

18. (1) The Minister shall appoint a council entitled the "Health Advisory Council".

(2) The Health Advisory Council shall consist of the following members:—

(*a*) two nominees of the Local Government Association of South Australia;

(*b*) one nominee of the South Australian Hospitals Association;

(*c*) one nominee of the Australian Medical Association (South Australian Branch);

(*d*) one nominee of the Australian Dental Association (South Australian Branch);

(*e*) one nominee of the Royal Australian Nursing Federation (South Australian Branch);

(*f*) one nominee of the South Australian Council of Social Service;
(*g*) one nominee of the St. John Council for South Australia; and
(*h*) four nominees of the Minister (all of whom must have had experience in the provision of health services and at least one of whom must have had experience in the education and training of those who propose to work in the field of health care).

(3) The members of the Health Advisory Council shall hold office for such term, and upon such conditions as may be prescribed.

(4) The members of the Health Advisory Council may from amongst their own number elect a member to be Chairman of the Council.

(5) The functions of the Health Advisory Council are to advise the Commission in relation to the following matters:—
(*a*) voluntary participation by members of the community in the provision of health care;
(*b*) the provision of education and training by universities and colleges of advanced education and by the Commission and other bodies in matters relating to health care;
(*c*) research into the adequacy of existing health services and the planning of new health services;
(*d*) any other matter referred to the Health Advisory Council for advice by the Commission.

(6) The Health Advisory Council may, with the consent of the Minister, establish such subcommittees (which may consist of, or include persons who are not members of the Council) as it thinks necessary to assist it in performing its functions under this Act.

(7) The Minister may appoint such other committees as he thinks necessary to investigate, and advise the Commission upon, any matter relating to health care.

The changes are that, first, there be a nominee of the St. John Council for South Australia, secondly, the Health Advisory Council may from amongst their own numbers elect a member to be chairman of the council, and thirdly, the Minister may appoint such other committees as he thinks necessary to investigate, and advise the commission upon, any matter relating to health care.

The reason for this is that, in the original draft of the Bill, clause 18 took into account the fact that the Minister may appoint advisory committees. These committees would be under the control of the Minister and would be appointed by him. The personnel would be selected by him and they would, as I understand the clause, undertake an advisory capacity within the terms of reference laid down by the Minister. I do not intend to remove that right from the Minister to appoint other such committees. I foresee that there may be a need for further advisory committees, particularly of a specialist type. I give the instance of where a subcommittee may look at teaching facilities and teaching hospitals. I think that would require a committee of a very special type and need not be a permanent advisory committee. That committee would have the right to report directly to the commission on those specific matters. This is not very different from the amendment carried previously by the Council.

The Hon. D. H. L. BANFIELD (Minister of Health): I opposed the principle of the previous amendment which has been inserted in the Bill, and I am still of the same opinion, that this advisory committee is not fully representative and the Hon. Mr. DeGaris has gone away from what is in the Bill and what I would have been prepared to accept concerning my own committee. I would have also had a professional committee. In effect the Leader is giving us another 12-man advisory committee. It still gives me the right to set up smaller committees which will make inquiries when asked by me. Why he wants an extra advisory committee I do not know. If he is going to retain the other committee to look into any matter I want them to, or what they want to do of their own motion, there is no advantage in having another council.

The position is that the advisory council, which may or may not be set up from the council or by me, would probably have to come back through the advisory council to get access to the commission or me. Under the suggestion of the Leader all people are not represented whereas in the three or four committees I could set up under the original clause 18 they could get a much wider representation than they have on this particular council. I cannot pick a specialist committee out of the combined group that has been handed me by the Hon. Mr. DeGaris. I believe it is vital that we have a specialist committee.

Smaller committees can work much better. They will know the area which I am asking them to investigate and in actual fact if the council does go ahead I believe it would virtually take over the role of the commission. This is the last thing we want. We have agreed on the size of the commission and that it can do the job, and in addition I want some small advisory group to look into specific areas. I cannot accept the appointment of a 12-man committee in this form. If it wants it will be able to form smaller groups. The principle, as enunciated in the Leader's amendment, gives the committee the right to their own smaller groups. He obviously believes that a smaller group is a better working party than a large one. Why let them form themselves into small committees if you do not think that?

You are giving me a 12-man council and then telling them to divide themselves off into subcommittees. You are inviting them to do this under this amendment, but you are saying that, because of my suggestion that we have a smaller advisory council, this is not good enough. You are inviting this 12-man council to divide themselves into subcommittees. Because you cannot get specialist subcommittees you have got to decide (and so would the council have to decide) to get a specialist on any subcommittee. I am suggesting that under the Bill this can be done by the advisory committees which were laid out in the original clause. I oppose the amendment.

The CHAIRMAN: The Minister is still opposed in principle but is not so concerned with the actual wording of the new section.

The Hon. D. H. L. Banfield: No, none of it is any good.

The Hon. C. M. HILL: When this Bill first came before the council there was no evidence of an advisory council along the lines being mooted by the Opposition. I wanted to have some of the principal sectional interests in the whole area of health included in the actual commission and those interests were local government, the South Australian Hospitals Association, the Australian Medical Association, the Royal Australian Nursing Federation, and the South Australian Council of Social Service. This place did not agree to that and, therefore, the commission remains as the Minister wanted it. It has been suggested that a Health Advisory Council be set up; that was agreed to in principle when the former amendment was carried.

The Hon. D. H. L. Banfield: It was carried, but not agreed to.

The Hon. C. M. HILL: It was agreed to by those who voted for it.

The Hon. D. H. L. Banfield: But the Government did not agree to it.

The Hon. C. M. HILL: A majority of honourable members in this Chamber supported it.

The Hon. D. H. L. Banfield: Not a majority on the floor.

The Hon. C. M. HILL: I said "in this Chamber". The point is that an amendment was carried to the effect that an advisory council be established. The amendment now before the Chair refines the principle of an advisory council. I am pleased to see that the five groups to which I referred are to be represented on the 12-member Health Advisory Council. The Hon. Mr. DeGaris has added some groups to the five groups I suggested, and he has provided that there shall be four nominees of the Minister from some of the other groups that the Minister continually says do not have representation.

The Hon. D. H. L. Banfield: But the Leader is putting restrictions on me in relation to those four nominees.

The Hon. C. M. HILL: Let us examine these so-called restrictions. New clause 18 (2) (*h*) provides:

four nominees of the Minister (all of whom must have had experience in the provision of health services and at least one of whom must have had experience in the education and training of those who propose to work in the field of health care).

I do not think that that is too limiting; it simply ensures that the Minister does not appoint someone who has not had any experience at all in connection with health matters.

The Hon. D. H. L. Banfield: Why doesn't paragraph (*h*) end at "health services"? Again, I am being restricted.

The Hon. C. M. HILL: The Minister said that he needed someone with experience in education and training, and the amendment meets that objection; however, the Minister is still not satisfied. Really, subclause (2) should specify that one nominee of the Local Government Association should be from metropolitan Adelaide and the other should be from country areas; I hope this point will be borne in mind. I want to be sure that the sectional interests that will be represented on the council will be able to bring to the council for discussion all matters raised within those sectional interests. If there is any doubt as to whether the council has the right to discuss matters raised by these sectional interests through their representatives on the council, the matter ought to be cleared up. Subclause (7) gives the Minister the right to appoint whatever committees he believes are necessary, with terms of reference in accordance with his wishes. So, the Minister has the flexibility that is absolutely necessary. The only thing in the amendment that the Minister does not like is that there is to be, in effect, another committee —

The Hon. D. H. L. Banfield: That is correct.

The Hon. C. M. HILL: It is the Health Advisory Council, the object of which is to involve, in the administrative process, people and groups at the grass roots throughout the State. The representatives will have no real power over the commission, the policy-making body. However, the voice of the representatives on the Health Advisory Council will be heard by the commission, and all matters investigated by them will be passed on to the commission for consideration; the Minister should not object to that. The Minister says that the tail will start wagging the dog, but he is not correct in saying that. The Minister says that the council, because it has power to set up its own subcommittees, will form, in effect, its own empire of subcommittees, but I point out that the council cannot establish subcommittees without the Minister's consent. So, the Minister is provided with a check. It is undesirable that the commission should become aloof and secretive. All people who have made representations to me over the past 12 months—

The Hon. D. H. L. Banfield: What did the Select Committee do? What did the Bright report say?

The Hon. C. M. HILL: All people who have made representations to me over the past 12 months have had fears about who will be on the commission and what sorts of checks and balances will be written into the Bill. This place has not agreed to provide checks by way of sectional interests going on to the commission itself, and I accept that, but these people who have been worried will be happy indeed with the Health Advisory Council being close to, but subservient to, the commission.

What more democratic process can there be than that? Surely the Minister can see the wisdom of the amendment. In other States there are advisory councils. The Minister knows the recommendations of some of the other committees that have given advice, but he still seems to object to the idea. He must give more reasons than he has already done if he is to convince me on the issue.

I sincerely believe that the Bill, in its present form, is a great improvement on the legislation that was first introduced, and that the heart of the problem will be better served by the council. This involves not the best administrative process but a proposal which ensures that the people of this State will get the best possible health care. That is our main target, and politics do not enter into the matter.

Every honourable member must concern himself to ensure that he approves legislation that will be the vehicle by which the people of this State will receive the best possible health care. That point is indisputable, and I challenge any honourable member opposite to refute it. Our common aim is to ensure that the people of this State get the best possible health care. I think the people will get that health care if this council is included in the Bill, and that is why I support the amendment.

The Hon. D. H. L. BANFIELD: I must take exception to the Hon. Mr. Hill's suggestion that I was the sole objector to the establishment of this council. When I referred to this matter in the Select Committee's hearings, the Hon. Mr. Hill threw it aside. This proposal was put to that Select Committee, which comprised members of Parliament of the same political persuasion as the Hon. Mr. Hill, but the committee threw it out.

The Hon. C. M. Hill: Who put it to them?

The Hon. D. H. L. BANFIELD: Representations were made to the Select Committee that such a council should be set up. Representations were also made to the committee that persons nominated by various organisations should be appointed. His Honour Mr. Justice Bright was not in favour of such a council, and to say that I am the sole objector is just not correct. The Hon. Mr. Hill said that this Bill has been about the place for 12 months. That happened purposely so that the people would have an opportunity to raise their objections. The people took their views to the Select Committee, which examined the whole of the Bill thoroughly. The committee came down with a Bill that was acceptable to the four political Parties in another place, and to the Government.

The Hon. R. C. DeGaris: It isn't satisfactory. That's not quite right, either.

The Hon. D. H. L. BANFIELD: It is corect. The Select Committee closely scrutinised this matter and considered these proposals. His Honour Mr. Justice Bright also considered the matter of a council for many months, and he, too, came down against such a proposal. I ask honourable members to do exactly the same thing.

The Hon. R. C. DeGARIS: I am not sure what the Minister is trying to get at. I have read the Select Committee's report as well as the Bright report, and I cannot remember (although I may be corrected on this)

the Select Committee or the Bright committee making any recommendations against the establishment of a representative advisory council. They may have done so, and the Minister may be correct.

The Hon. D. H. L. Banfield: I am saying that they knocked back such a suggestion.

The Hon. R. C. DeGARIS: There are many words in the reports, but I cannot remember either body making a recommendation against such a concept. New South Wales and Victoria have had health commissions for a long time. Victoria has one advisory committee, and New South Wales two such committees. That State has broken its organisation into a health advisory council and a professional services council. From what I can see of the New South Wales and Victorian experience (and I have checked with the people involved in those commissions), and having examined the recommendations contained in the Bright report and in the Select Committee's report, the weight of evidence is in favour of this concept.

The Bright committee had a concept of five part-time health commissioners. Beneath that were the departmental officers, the three departmental heads. Therefore, the Bright report cannot be compared with the Bill before honourable members. For one to refer to the Bright report, one must go to a totally different concept altogether. We have a Select Committee report, in which there is an amalgamation of the ideas of many groups.

What I said previously was true: one person who belonged to a small Party in the Lower House said he thought that the Upper House should throw out the Bill. We are now dealing with a new concept. When the Bill was introduced, the Hon. Mr. Hill and other honourable members thought that the commission should have representation from various areas. This evening, the Hon. Mr. Hill has reiterated the areas from which he thought those part-time commissioners could come. I do not accept that viewpoint.

I believe that an eight-man commission would be too large. However, having failed to achieve a consensus in the Council that the commission should be representive, let us now examine the matter of the advisory committee. Unless we have representation in the main committees advising the commission, nowhere in the whole of the health commission concept will there be any representation from the grass roots level. I have listed what I think are the major areas. I refer to the Local Government Association of South Australia, the South Australian Hospitals Association, the Australian Medical Association, the Australian Dental Association, the Royal Australian Nursing Federation, the South Australian Council of Social Service, St. John Council for South Australia, and four nominees of the Minister, one of whom must have had experience in education and training. That is a reasonable cross-section of representation on the advisory council.

The amendment goes further than that and allows the Minister to establish, as he did in the original Bill, specialist advisory committees to the commission, where there may be an area of expertise and an area that requires a certain type of inquiry in order for recommendations to be made to the commission. That can be done under the amendment.

If one examines all the information before us, one sees, from the Victorian and New South Wales positions, the Bright report and the Select Committee's report, that we are coming down with a fairly good cross-section of information. Unless this health advisory council concept is accepted, there is no guarantee that there will be, anywhere in the health commission, a group representative of the lower echelon of health delivery services in this State. The Minister said he was afraid that this advisory council would take over the role of the commission. That is nonsensical—the power lies with the commission and the Minister in charge of the commission. The Health Advisory Council cannot set up a committee without the consent of the Minister and it is intended that, if this Health Commission concept is to operate efficiently, there must be available to the Minister and the commission a group of people representative of the major areas of the health delivery services in South Australia. I urge support for the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H L Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable this matter to be given consideration by the House of Assembly, I give my casting vote for the Ayes. With the consent of the Committee, I propose to alter the heading of Division III, on page 7, to read "Health Advisory Council and Advisory Committees".

Clauses 19 to 38 passed.

Clauses 39 to 42.

The Hon. D. H. L. BANFIELD: I move:

That these clauses be reinserted.

These clauses, which were previously struck out of the Bill, cover rating for hospital purposes, which has been a 3 per cent levy on local government. I have indicated that for this Committee to remove these provisions takes away from every country hospital any chance it had of spending any of its own money, because those hospitals will not have any. The whole purpose of the Bill is to give as much autonomy as possible to the hospitals.

The Hon. R. C. DeGaris: Will all the voluntary effort stop?

The Hon. D. H. L. BANFIELD: I say that $1 000 000 will not go to the hospitals, which is a lot of money as far as the hospitals are concerned. Not only is it the money that concerns the hospitals but in the past hospitals have used council rating as a security when they have obtained loans from a bank. Banks are not happy about lending to hospitals unless they know there is an assured income from the councils; these hospitals have mortgaged this income as far as the banks are concerned. In the future, where will the hospitals get a loan for any capital expenditure if they have no money at all? They will not have a cent to make any capital improvements or to improve their workshops to attract doctors into the area. We know that a doctor will not go to a workshop that is not suitably equipped. Members opposite would be depriving hospitals of the opportunity to improve their facilities. If that is the sort of health service, without doctors being encouraged to go into a country area, that honourable members opposite want, then leave this council rating out of the Bill.

The Hon. T. M. Casey: It is hard enough now to get doctors.

The Hon. D. H. L. BANFIELD: Yes, and it is hard enough even now for hospitals to get finance for their projects; yet honourable members opposite, who are so keen about the country health services, will deprive them of council rating, and the people will suffer most. It will be harder

in the future to attract doctors to the country if the hospitals cannot be adequately maintained. Councils must be involved in the welfare and health of their people, and they play an active part in making sure that hospital facilities are provided in the best interests of the people. This is one way of ensuring that those facilities are there. Yesterday I received a letter from Mr. John Bailey, Secretary of the South Australian Hospitals Association, stating:

At the council meeting of this association held this morning, the following motion was passed: That this association strongly urge a revision of the local government levy at the present rate.

If the association was sure that hospitals would get a voluntary levy, it would not be so concerned, but councils that have not a hospital in their district would not give a levy to a hospital in another district. At present, the 3 per cent raised in such council areas goes to the hospitals that the people from the district use. The Hon. Mr. DeGaris has mentioned voluntary workers, and a ladies' auxiliary would be heartbroken before it started if it had to try to raise $50 000 or $70 000, whereas, if money were available from local government, they would work harder. I have not received any objection from a ratepayer about the paying of the 3 per cent. I have received telegrams from some councils.

The Hon. M. B. Cameron: The representatives of the ratepayers.

The Hon. D. H. L. BANFIELD: Some of those representatives have been elected by 2 per cent of the ratepayers. Although I said that I had received no representations from an individual ratepayer, I was told that the representatives of the ratepayers had made submissions. However, the ratepayers, not the representatives, pay the 3 per cent, and, if the ratepayers were not pleased about that, they would object to me. The Hon. Mr. Cameron may say that he did not realise that people were elected on a 2 per cent or 4 per cent vote.

The Hon. M. B. Cameron: Like you.

The Hon. D. H. L. BANFIELD: No, I was elected on a vote less than that. The ratepayers want to pay the levy and have a decent hospital service. Honourable members opposite have pressed for greater autonomy for local hospitals, but now they are taking away the mainstream. I remember Senator Kennelly and how he spoke. He would say, "I do not care a damn who is in Government; just give me the purse strings." He would say, "You are taking money from the people that you say are entitled to have local autonomy."

The Hon. A. M. WHYTE: Nothing will prevent councils from contributing to the local hospital organisation. Councillors would not last long if funds were needed for the hospital unless they rated the ratepayers for that purpose. Nothing will stop councils from doing that.

The Hon. D. H. L. Banfield: Nothing will make them do it, either.

The Hon. A. M. WHYTE: The contribution should be made in accordance with the requirements at the time. If 5 per cent is needed, the rate should be 5 per cent.

The Hon. D. H. L. Banfield: Put it at 5 per cent. I am happy about doing that.

The Hon. M. B. CAMERON: It is repugnant for the Minister to imply that, if councils do not agree to his attitude on this matter, they will no longer be involved in this area. He should not use that argument, because local government has much besides money to contribute. A problem involving ratepayers protests was raised by the Hon. Mr. Sumner. People are unaware of this Bill and its ramifications, because of its lack of publicity. Not every matter considered by this Committee receives much publicity. If the Minister asked all ratepayers in the State whether or not they wanted to pay the 3 per cent levy, he knows what the answer would be. It is reasonable that councils no longer be required to bear this burden and, in a spirit of reasonableness and not in an attempt to blackmail members, will he now support members on this side?

The Hon. C. M. HILL: I want to rebut the Minister's claim on which he based his whole case, that the hospitals concerned are short of funds and that, unless they can obtain this extra revenue from the levy, they will be in an even greater plight in the future than they have been in the past. In the second reading debate I referred to a survey of the 62 community hospitals. The total cash at hand was about $1 764 000, the total hospital cash reserves were about $3 362 000 and other reserves held by hospitals amounted to $1 361 000, a total of about $6 487 000. That situation has not been refuted by the Minister, who says that these hospitals are out of funds and that there are no funds in the kitty, but there is over $6 000 000 in the kitty.

The Adelaide City Council has to pay its levy because Royal Adelaide Hospital is within its area. In the Auditor-General's Report for the financial year ended June 30, 1967 (page 5), under the heading "Commissioners of Charitable Funds", reference is made to moneys available for the purposes of the Royal Adelaide Hospital, including improvements and additions to buildings, etc. The Auditor-General criticised the lack of application of funds by the commissioners, which had then accumulated $2 146 960, excluding the value of real property held. In the Auditor-General's Report for the financial year ended June 30, 1976 (page 290), the Commissioners of Charitable Funds are shown as having a balance in hand, excluding real property of $3 126 147 which was assisted by a further substantial surplus for the year ended June 30, 1976. It seems unrealistic that the Minister should be so insistent that local government should continue to contribute towards capital works when, over a period of the past nine years, surplus funds available for capital purposes have increased by $1 000 000 to over $3 000 000. That is just another aspect.

The Hon. J. E. Dunford: What about the bees around the honeypot?

The Hon. C. M. HILL: I said that telegrams were coming into this Chamber on this issue like bees coming back to a hive. I have referred to a $6 000 000 surplus from the 62 incorporated hospitals and stated that there is over $3 000 000 in the kitty in charitable funds for the Royal Adelaide Hospital, and last year the Minister's capital expenditure on hospital works totalled $33 000 000, including a $1 000 000 surplus. All those facts disprove the basis of the Minister's argument that the well is dry and that the hospitals will run down their standards of service.

The Hon. D. H. L. Banfield: From where will they get their funds in future?

The Hon. C. M. HILL: From Government.

The Hon. D. H. L. Banfield: Why?

The Hon. C. M. HILL: Because they will be on deficit finance, all having incorporated boards and, regarding capital expenditure, many auxiliaries will be re-established. Many auxiliaries have run down and been disbanded because funds existed. There has not been the incentive for voluntary effort.

The Hon. D. H. L. Banfield: How much did they raise?

The Hon. C. M. HILL: I do not know, but in many cases they have not been raising money because—

The Hon. D. H. L. Banfield: Because of rumours started by you people opposite.

The Hon. C. M. HILL: As a result of Government levies, there is no need for them. They are historically associated with South Australia. South Australia is the only State with this system, which has existed since 1919. Last year $976 000 was obtained from local government in this way and, if the full 3 per cent levy were imposed, the sum obtained would be about $1 900 000 next year. Local government is not objecting to paying equal amounts or even more to provide health services in its areas, but it cannot afford to do so at present because of the sum it is paying for capital works which is not being spent under this levy.

Local government wants to expand its services at a local level, it wants to introduce a new era of community health services and it wants to provide its own funds largely for such work, but it cannot do this while its funds are drained through this compulsory levy. Clearly, my argument is extremely strong and we have now reached a point of great change in administration: the departments are to be replaced and a new exciting commission will take over. Now is the time for change and release of local government from the levy so that it can develop its own initiatives for capital works.

The Hon. R. A. GEDDES: The Minister said that country hospitals could suffer if it was not mandatory for local government to contribute to their capital improvements. I point out to the Minister that there are various ways of catching the cat: there is a voluntary way and a mandatory way. The Hon. Mr. Hill pointed out that local government, especially in the rural scene, is becoming increasingly involved these days in community matters, including social security and senior citizens' requirements. More responsibility is being put on local government, and this will require much money if the 3 per cent levy is to be compulsory.

The Hon. J. E. Dunford: A maximum of 3 per cent.

The Hon. R. A. GEDDES: Yes, a maximum of 3 per cent. A council might argue that it cannot afford to pay for anything else; that is a fact of life. However, if councils are asked voluntarily to contribute to hospitals for capital works, or any other type of work (and I am talking of the rural scene) an opportunity exists for those councils to be generous, and that is an entirely different matter. This is a quirk of nature, but it is the way things go. I oppose the motion.

The Hon. D. H. L. BANFIELD: I am pleased that the Hon. Mr. Geddes has come to light and said that councils will be more generous if they do not have to pay the levy. In this Bill there is nothing to stop a council from being as generous as it wishes. If it wants to give 10, 15, or 20 per cent of its rates and become involved in providing various services, as suggested by the Hon. Mr. Geddes, it can do so. I would point out that the 3 per cent levy makes sure that the hospital has money to start with and can borrow, if it wishes, for capital expenditure. If hospitals do not have an assured income in the future they have no borrowing power or, indeed, little borrowing power, as far as banks are concerned.

In some areas there is an unnecessary duplication of services. For instance, the Meals on Wheels organisation has set itself up in places where facilities are available at the local hospital. That is an unnecessary waste of good money. A council wishing to provide these services can work through the hospital and possibly contribute a greater amount than the 3 per cent levy. Without the levy, there is no outside project on which a hospital can spend money. Even if a council suggested that it share expenditure on a further project, the hospital would have to say that it had no money for that capital project, because the council had not given it any.

The Hon. Mr. Hill talks about a large amount of money in kitty for the 62 hospitals. Can he see the Hon. Mr. Whyte's hospital coming along with its $250 000 and saying to the Pinnaroo Hospital, "Take this. You have a problem. This will come out of our kitty. Spend our money"? Of course he cannot. This money in kitty is distributed right around the country. There is no way in the world that one hospital will give any of its money to a hospital in another area. It sounds very good to be able to say that the combined funds of the hospitals are over $1 000 000, but that would not assist the little hospital with no money at its disposal.

The Hon. J. C. Burdett: It comes from taxpayers' funds.

The Hon. D. H. L. BANFIELD: Why? Hospitals are established in the country. If no funds come from that district, a hospital in that area may not be warranted. The Hon. Mr. DeGaris knows that when he was Minister good equipment was being tied up in some hospitals and that, if it were pooled, the services would be much better. There is no way that any small country hospital can maintain its present high standard if it has no money behind it, and this applies especially to country hospitals. The sum referred to is distributed to over 60 hospitals, some having a greater bank balance than others; it is not evenly distributed amongst those hospitals. To get up and say that there is a ton of money around the place for these hospitals is just so much poppycock, as the Hon. Mr. Hill very well knows.

All hell would let loose if I introduced a Bill compelling that money in the funds be distributed in a certain way throughout the State. Why have I people coming to me every day for assistance for their hospitals if there is this great sum of money? They come to me because they do not have finance, and there is no way in which they can build up capital money other than to have ladies working hard to sell raffle tickets to local ratepayers. Ratepayers have not objected to the payment of this 3 per cent levy. The councils know the percentage that has to go to hospitals (3 per cent of the rates collected in the previous year) and they work out the rates for their districts in that knowledge.

The Hon. R. C. DeGARIS: Is it a fact, as reported in the *News*, that the Minister of Local Government recently put to Cabinet a strong case to abolish the hospital levy? The *News* reported that there was a fight in Cabinet.

The Hon. J. E. Dunford: There are no leaks in the Labor Party Cabinet.

The Hon. R. C. DeGARIS: The *News* reported it, and it was common knowledge around Parliament House, by rumour.

The Hon. D. H. L. Banfield: There was no argument in Cabinet whatsoever, and there was no basis for saying what the *News* said. I was in Cabinet, but no-one from the *News* was in Cabinet. No honourable member opposite was in Cabinet. Let me lay that lie to rest. If the Leader continues with that, he does so in the knowledge that it is so much bull that he is talking.

The Hon. C. M. Hill: We simply read the paper.

The Hon. T. M. Casey: What a cooked-up story that was.

The CHAIRMAN: Order! Honourable members talking to each other across the floor in Committee are out of order.

The Hon. R. C. DeGARIS: Did the Minister of Local Government put a case to Cabinet in relation to abolishing this levy?

The Hon. D. H. L. Banfield: You are really asking me to divulge Cabinet secrets. Before this Bill was introduced into Parliament, it was discussed and approved by Cabinet. That is what Government is all about.

The Hon. R. C. DeGARIS: My question has not been answered. Did the Minister of Local Government put a case to Cabinet for abolishing the levy?

The Hon. D. H. L. Banfield: This is a Cabinet decision—a Government decision. It was a Government decision to keep the 3 per cent levy, which has been operating for more than 40 years. When do I get information about what goes on in your little Caucus up on the first floor? I do not expect to get information from there, and you should not expect to get the kind of information you are requesting.

The Hon. T. M. Casey: You should have more ethics than to ask such a question. It is absolutely disgraceful.

The CHAIRMAN: Order! Honourable members must cease speaking across the Chamber; that is a different practice from that of an honourable member making an interjection addressed to the honourable member who is speaking.

The Hon. R. C. DeGARIS: I have not received much information from the Minister, except a rambling reply. It appears that the Minister of Local Government did not put a case to Cabinet in relation to the levy. The *News* report can be looked on as a furphy. It is a shame that the Minister of Local Government did not put a strong case to Cabinet because, if he did not, he is not putting the local government viewpoint to the South Australian Cabinet.

The Hon. D. H. L. Banfield: You have not got the slightest idea of what went on. You were not there.

The CHAIRMAN: I think the honourable member is trying to say what should have been said.

The Hon. D. H. L. Banfield: He does not know whether it was said or not.

The Hon. R. C. DeGARIS: It would be a good idea for the Director-General of Medical Services to sit in the chair next to the Minister permanently, because we get quite remarkable behaviour from the Minister when he is there. What is the position regarding a hospital owned by the community, run by the community, which makes its own choice as to whether it becomes an approved hospital or a recognised hospital? Here we have a situation of local government being told by the Minister, "Thou shalt pay me 3 per cent and I will determine where that money goes for capital purposes."

The Hon. D. H. L. Banfield: That is not true. What is in the Hospitals Act?

The Hon. R. C. DeGARIS: The Hospitals Act is repealed by the Bill.

The Hon. D. H. L. Banfield: It is still there. It is not repealed. You have not passed this Bill.

The Hon. R. C. DeGARIS: If the Minister is saying that the 3 per cent levy is still there, what are we arguing about?

The CHAIRMAN: I do not think the Minister is saying that.

The Hon. R. C. DeGARIS: This levy is imposed by the Minister and is paid to the commission, which will then distribute it, as the Minister did previously. Because a hospital such as the Keith Hospital has had the temerity to say that it does not want to become part of the new Medibank scheme but wants to run its own community hospital, it is denied a share in the local government money payable by a council to the department.

The Hon. D. H. L. Banfield: Read clause 39 of the Bill. It states, in part;

(2) The notice shall specify:

(*a*) the incorporated hospital in respect of which the contribution is required;

(*b*) that the whole area, or a specified portion of the area, of the council is, or will be, served by the hospital;

(*c*) the amount of the contribution required from the council, and (if payable by instalments) the amount of each instalment;

(*d*) the time or times before which, and the manner in which, the contribution or instalments are payable.

The Hon. R. C. DeGARIS: That is the point I am making. If a hospital decides it is not going to be incorporated in the Health Commission and is not going to be a recognised hospital under Medibank, there is no way it can share in the local government rating.

The Hon. D. H. L. Banfield: That is not right. They share in it now, and you know it.

The Hon. R. C. DeGARIS: The Coonalpyn Downs council is rated by the Minister and pays 3 per cent of its rate revenue to the Hospitals Department.

The Hon. D. H. L. Banfield: And under the Bill, what must be done with that money?

The Hon. R. C. DeGARIS: I am talking of what has happened in the past. About 45 per cent of all the patients from Coonalpyn Downs go to the Keith Hospital. The hospital was denied 1 per cent of the rate revenue paid by Coonalpyn Downs to the Hospitals Department because it was not a recognised hospital. It is a community hospital, run by the community, and a non-profit hospital.

The Hon. D. H. L. Banfield: And it will not take one public patient.

The Hon. R. C. DeGARIS: What does that matter? It is run by the community for the community, and the local government organisation wants some of its rate revenue to go to that hospital, yet it is denied by the Minister a share of the 3 per cent. Those are the facts. Who is to blame for the fact that hospitals can no longer make a profit? When the Medibank scheme went through, we had a debate in this Chamber and these points were made. Honourable members made the point clearly that it would be the end of autonomy for the local hospital and the beginning of the end for voluntary effort. That has been proved true.

The Hon. D. H. L. Banfield: You are making up the complete thing now.

The Hon. R. C. DeGARIS: The 3 per cent rate revenue went to the maintenance of the hospital, and when there was a capital project most of the money was raised by voluntary effort. A small portion was underwritten by local government after the rate revenue. The major part was raised by voluntary effort for all capital works in hospitals throughout South Australia. Honourable members in this Chamber who have been associated with local government and community hospitals can back up what I am saying. When we have this new scheme in which the hospital is not allowed to make any profit or to put aside any money out of its operation to subsidise future capital expenditure,

the Government says it must retain the 3 per cent for capital expenditure in the future.

I say that it is not necessary, that the voluntary effort, which will be no longer required for maintenance because we are on deficit budgeting, will go towards the raising of capital. There is no case in this new situation, althoungh I deplore it, for a continuation of the 3 per cent levy on councils. We are being berated by the Minister for taking out the 3 per cent levy, and I believe that if local government is left to its own resources, that if a hospital requires money for capital improvement, when it has made every effort to raise money, local government will not be found wanting in supporting that hospital. If we want to get local government off-side and push it into the background and say, "Thou shalt pay 3 per cent, or else", local government will lose interest in its hospitals.

The Hon. D. H. L. Banfield: Then why hasn't that happened in the past 40 years?

The Hon. R. C. DeGARIS: The 3 per cent levy (and it was up to 15 per cent in many country areas) went into the normal day-to-day running of the hospital, not towards capital purposes.

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

The Hon. R. C. DeGARIS: It is true. The Minister has never served on a subsidised hospital board; I have. The Minister has not served on local government; many members here have. What I say is correct. The majority of the money for building purposes for local hospitals came through voluntary effort and collections. A small proportion was made up by local government with the normal method of taking an interest in the community and saying, "The hospital has done its best, and we will take up $100 000 for a period for it."

The committee is now debating the 3 per cent levy for capital expansion and improvement. The private enterprise people, so often referred to by the Hon. Mr. Dunford as having the temerity to own property, are suddenly being selected to make a contribution towards public hospitals above that made by the rest of the community. All money raised by local government in the metropolitan area will not go towards the small community hospital building programmes but will assist the large public teaching hospitals. We do not have to worry about the country areas: they will care for themselves, as they have always done. I agree with the Hon. Mr. Virgo regarding compromise. This should be phased out over three years, if the Minister wants a compromise.

The Hon. D. H. L. BANFIELD: This sudden urge regarding having to pay the 3 per cent, to which the Hon. Mr. DeGaris has referred, has in fact been going on for 40 years and, if this Bill is thrown out, it will be able to continue for another 40 years.

The Committee divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

The CHAIRMAN: There are 10 Ayes and 10 Noes. There are many amendments to this Bill that have to be considered by the House of Assembly, and this is one that ought to be included. I therefore give my casting vote for the Noes.

Motion thus negatived.

Clause 4—"Arrangement of Act"—reconsidered.

The CHAIRMAN: There are two consequential amendments to this clause, the first of which is to insert "health advisory council and" before "advisory committees", and the second of which is to strike out "rating for hospital purposes". I take it that I have the Committee's consent to make those amendments.

Amendments carried; clause as amended passed.

Schedules and title passed.

Bill recommitted.

Clause 8—"Constitution of Commission"—reconsidered.

The Hon. R. C. DeGARIS: I could not deal with this matter until the Committee finally dealt with clause 18. I should like the Minister to give me his opinion regarding the three full-time members and five part-time members of the proposed commission. As I understand the operation of the Bill, it will take a long time to phase in this whole scheme. It cannot be done overnight, as it is a fairly lengthy organisational matter. It seems to me that it may not be correct for the eight commissioners to be appointed immediately during the phasing-in period. If there is to be a conference on the Bill, as foreshadowed by the Minister, we may be able also to include consideration of clause 8 therein, as it could be tied in with clause 18.

The Hon. D. H. L. BANFIELD: The original Bill provided for the appointment of a minimum of two part-time members and a maximum of five part-time members. The Select Committee, having considered the matter, made this recommendation. Therefore, when the Bill was introduced in another place the Government, wanting some flexibility, intended not to appoint eight members. It would be better for the Committee to consider clause 8 instead of moving an amendment thereto.

The Hon. R. C. DeGARIS. As long as there was disagreement to clause 8, it could be considered by any future conference. If the Chief Secretary will think about that, we may be able to confer on the whole matter.

The Hon. D. H. L. BANFIELD: There can be disagreement only in the event of an amendment moved.

The CHAIRMAN: An amendment has been moved, and there can be disagreement to that amendment.

The Hon. R. C. DeGARIS: Disagreement in another place can be a matter for a conference, including clause 8. Perhaps I can discuss this with the Chief Secretary later.

The Hon. D. H. L. BANFIELD: There may or may not be a possibility of that. The amendment that has been moved was moved by me, which puts the Government in an awkward position. Anyway, I shall be happy for discussions to take place on clause 8.

The Hon. R. C. DeGaris: As long as that is understood by the Government.

Clause passed.

The CHAIRMAN: I have to report that the Committee has again considered the Bill, which has been further amended.

The Hon. D. H. L. BANFIELD: I move:

That the Committee's report be adopted.

I say that the Committee of this Council has on many occasions come up with the wrong answer, but that is a matter of opinion.

Motion carried.

Bill read a third time and passed.

ELECTORAL ACT AMENDMENT BILL (No. 4)

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

This short measure arises from recommendation No. 74 contained in the first report of the Criminal Law and Penal Methods Reform Committee of South Australia. The relevant recommendation states:

74. We recommend that convicted offenders be allowed the same voting rights as ordinary citizens.

The argument supporting this recommendation is contained in paragraph 3.22.2 of the report under the title "Legal Disabilities", at pages 129-130. The committee states at page 130 that "the right to vote seems to us to have no connection with the question whether the visitor is a good or a bad citizen". The Government is in entire agreement with this argument. Clause 1 is formal. Clause 2 amends section 33 of the principal Act by striking out the disqualification of persons convicted of an offence punishable with imprisonment for one year or more and persons attainted of treason. Clause 3 is a consequential amendment.

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

CONSTITUTION ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It amends the principal Act, the Electoral Act, 1929-1973, to provide more convenient procedures for voting for certain electors and to remove certain anomalies in present electoral procedures. The Bill makes provision for an alternative system of voting for certain categories of elector at present entitled to cast postal votes. Under this system, an elector who is an inmate of an institution, such as a hospital or nursing home, and for any reason is unable to attend at a polling booth to vote may cast his vote at the institution in the presence of an electoral officer and hand the ballot-paper personally to the electoral officer. It is proposed that this voting procedure be initiated by the visit of electoral officers to the institution and that there will be no need to post an application to vote in this way. This voting procedure should eliminate the possibility, which exists in the case of postal voting, of an elector being improperly influenced in his vote by another person.

The Bill makes provision for an elector whose usual place of residence is situated within a remote area to register as a general postal voter. Upon the issue of a writ for an election, the Electoral Commissioner is to be required to forward a postal vote certificate and postal ballot-paper to each elector registered as a general postal voter immediately before the issue of the writ. Again, this procedure should be more convenient for such electors, in that the need to apply by post for a postal vote is obviated. In addition, the procedure should eliminate problems experienced as a result of the time involved in postal communication with remote areas. The Bill provides that the special procedure for making a postal vote, now applicable to illiterate persons only, shall apply to persons unable to write by reason of physical disability.

It further provides that the procedure for making a vote by declaration, where the elector's name does not appear on the certified list of electors for the polling place, shall apply to Legislative Council electors in addition to House of Assembly electors. This change is now desirable in view of the fact that for practical purposes the same list of electors applies to both the House of Assembly and the Legislative Council. The Bill also makes several amendments consequential to amendments to the Constitution Act, 1934-1975, which remove the disqualification from voting in respect of certain convicted persons and others.

Finally, the Bill makes provision for the appointment of a Deputy Electoral Commissioner on much the same terms as the Electoral Commissioner is appointed: that is, the appointment is substantially for life, subject only to removal by an address from both Houses of Parliament. This "institution" of the office of Deputy Electoral Commissioner is in furtherance of the policy that those responsible for the administration of the electoral machinery should be patently free from the possibility of influence by the Government of the day.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 4 of the principal Act, which sets out the arrangement of the Act, by including the heading "Part Xa—Electoral Visitor Voting". Clauses 4 to 10 make formal amendments to the principal Act providing for the appointment of a Deputy Electoral Comsioner. Clause 11 repeals section 41 of the principal Act, which will be redundant if prisoners are enfranchised, and clause 12 is consequential on this repeal. Clause 13 amends section 73 of the principal Act, which regulates applications for postal votes. The clause makes certain drafting amendments and extends the special procedure relating to illiterate persons to persons unable to write by reason of physical disability. Clause 14 provides for the enactment of a new section 73a regulating applications for registration as a general postal voter. Clause 15 provides for amendments to section 74 of the principal Act that are consequential to amendments made by clauses 6 and 7. Clause 16 makes consequential amendments.

Clause 17 provides for the enactment of a new section 76a regulating the registration of general postal voters and the issue of postal vote certificates and ballot-papers to registered general postal voters. The proposed new section also requires the Electoral Commissioner to keep a register of general postal voters and make it available for public inspection, and empowers him to cancel such registration at any time, other than between the issue and return of the writ for an election. Clauses 18 to 22 provide for amendments consequential to the preceding amendments. Clause 23 provides for the enactment of new Part XA dealing with electoral visitor voting. New section 87a sets out definitions of "declared institution" and "electoral visitor". New section 87b provides for the declaration of certain institutions. New section 87c provides for the appointment of electoral visitors. New section 87d sets out the circumstances in which a person is qualified to vote under the proposed arrangements. New section 87e empowers electoral visitors to visit declared institutions and receive the votes of inmates of the institution. It also empowers an electoral visitor to obtain certain information necessary for the discharge of his duties. New section 87f provides that electoral visitors may issue vote certificates and ballot-papers to electors who are confined to declared institutions. New section 87g sets out the method of voting under the proposed arrangements. New section 87h is consequential on new section 87g as is new section 87i. New section

87j provides that electoral visitor ballot-papers are not to be rejected by reason of certain mistakes if the elector's intention is clear. New section 87k prohibits canvassing for postal votes in declared institutions. Clauses 24, 26, 27 and 28 make amendments consequential to the amendments providing for electoral visitor voting. Clause 25 makes an amendment consequential to the removal of the disqualification from voting in respect of persons of unsound mind.

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

DEFECTIVE PREMISES BILL

Adjourned debate on second reading.

(Continued from November 9. Page 1949.)

The Hon. C. M. HILL: It is a great pity that legislation introduced in this Council affecting licensed builders and clients of licensed builders is not included in the builders licensing legislation. It seems to me it should be the practice of the Government to try to group as much legislation as possible on the same matter, or in general terms, within the provisions of the one Bill; otherwise, from the point of view of the public at large and especially those people having houses built, and in this case from the point of view of those people buying new houses that have not been lived in, it is a great pity that such people are not provided with simple legislation in the form of one Statute to which they can refer to check their protection and generally examine all provisions affecting that industry.

However, that apparently is not the general practice of this Government, which in this case has brought down a separate Bill dealing with warranties as they affect builders and those people who sell new houses. I support the Bill in principle because I believe that, if there are some cases where some people should receive this kind of protection and where builders complete work not done in a workmanlike manner or if there are materials used by builders that are not the best materials that should be used in construction, some provision should be made to protect the clients in such circumstances.

However, legislation of this kind must be fashioned in such a way that it strikes a fair and reasonable balance between the rights of the builder, on the one hand, and the rights of the client, on the other. If legislation of this kind does not strike that fair and reasonable balance, injustice can follow, either to the builder or to the citizen. It is the duty of the Council, therefore, to ensure that a fair and reasonable balance is struck between the rights of those two groups. The need for this approach is particularly relevant to the building trade generally in metropolitan Adelaide. I speak mainly for metropolitan Adelaide because that is the area in which I have had some experience in the building of houses.

In many regions of metropolitan Adelaide there is soil known as Bay of Biscay soil, and the problem with building on land of that kind is that it is difficult to build a house and be assured by the specifications and plans that its walls will not, to a certain degree, fracture or crack. Because of this unique soil it is difficult to provide legislation that is fair to both builder and client. There are many examples of adjacent houses built to the same specifications and with the same materials, yet within about a year or two one house has cracked while the other house has not. The soil tests taken on each allotment have provided the same results, and the consultants have issued the same specifications for the respective foundations.

I am also concerned because the cost of house construction will increase under this Bill. It must be accepted that soil consultants will see that, as a result of this Bill, they can be defendants in an action by a client against a builder, and they will provide specifications that will safeguard them in the extreme. After this Bill is proclaimed I am sure that, to protect themselves, consultants will specify much stronger foundations than they have previously specified, yet many houses will not crack even if the old specifications are used, disregarding this measure, and before such legislation applied. Consultants will play it safe, and bigger and stronger foundations will cost much more.

Although I have not determined what the effect will be on an average house, I suggest that the increase in price of a single-unit house in South Australia could be about $400 or $500 as a result of this Bill. Because of the way house prices recently have escalated, such an increase could mean that many people wanting to build houses will find this latest increase a difficult burden to bear. Young people are already finding costs extremely worrying. What will be the position when another $500 is added as a result of this Bill? In some cases potential house builders might turn away and others will have to draw on funds that would be used normally to help furnish or further equip their houses.

Parliament should not overlook the fact that this Bill will increase costs and will increase the burden on young people seeking to build houses today. The increased burden should be considered in seeking to strike a balance between a builder, who can build a house through good workmanship and not be forced to go to extremes and unnecessarily spend money in construction, and young couples seeking to build houses having to spend much more on foundations for houses that would not crack even under the old specifications laid down. It is a difficult problem to assess fairly.

I am interested to see some of the amendments placed on file, and I will follow their progress in the Committee stage. One aspect of the Bill that has caused me to place an amendment on file deals with the requirement that a builder shall be given notice by the owner that it is the owner's intention to take proceedings against him, and the owner must give the builder a reasonable opportunity to inspect the premises to which the proceedings relate. Not only should the builder be given the opportunity to inspect the premises: he should be given the opportunity to make good any damage to which the proceedings relate.

Many reputable builders of new houses are happy and willing to come back and repair damage if it is pointed out to them, because such problems do occur in the normal course of building. Builders should be given the chance to make good any fault that has appeared in a house, without the threat of court proceedings. I am also concerned about the period in which people can make claims against their builder. A five-year period is extremely long; it is too long. Even after living in a house for 4½ years, a house-owner might go on holidays and leave a hose running near the foundations, or a water main may burst, and water may soak foundations, for 24 or 48 hours; invariably, cracking will follow. However, that will not be through any fault of anyone, because it happened when people were away from their house. All honourable members would agree that it would not be fair in that case for the owner to take action against the builder for poor workmanship, because that would not be involved. The builder should not be involved in such a situation.

Further, it is strange that subcontractors and suppliers of materials are not involved in this measure. There are

instances where suppliers of materials had their goods accepted in good faith. The materials seemed to be first class and appropriate for building work and yet, with the passing of time, they proved to be faulty. This can cause problems in house construction and, as I read the Bill, action can be pursued as a result of such a situation. I doubt that a builder could take successful action against a supplier in such an instance. As against that, the Bill does cover the situation where those who design homes (architects, architectural designers, consultants who specify the foundations, and experts in that category) are involved with the defendant builder in these actions which the Bill envisages will take place, and if those people are involved it seems to me that suppliers and subcontractors ought to be involved. I would like the Minister to comment on that aspect when he concludes this debate. I think, subject to his reply and explanation on that point, I would like to see some amendments in the Committee stage.

I simply summarise by saying that there is a principle in the Bill which I support, but I do not want the measure to be too harsh on reputable builders. By the same token I do not want to see the Bill worded in such a way that it is impossible for house-owners, where they have a fair and reasonable case, to take action against a disreputable builder. It is, as I have said, a question of providing some balance. I am sorry to see that the measure does not cover the situation of builders who become bankrupt, when clients often lose money. The expenses involved in the change-over from a bankrupt builder to a second builder and the losses that people in that situation face are a very serious matter for some young couples.

In the proposals that this Council approved some time ago in the Builders Licensing Act, the situation of bankrupt builders and the position of clients having recourse to some financial aid in those circumstances was covered. The Government, in its wisdom, has not seen fit to proclaim that measure that the Council passed at that time. That is a very serious area which I bring to the Government's notice and which ought to be covered if the Government is setting out sincerely to assist the whole ambit of young couples who are building new houses and who face difficulties with their builders. However, this Bill does not refer to that at all: it refers only to the question of warranties against proper and workmanlike activity by builders and also warranties against proper materials used in the construction of houses. I hope before the Bill passes this Council, if it does reach that destination, that it will be improved somewhat by amendments, so that a proper balance is finally struck and fairness is shown towards the builders as well as to the clients.

The Hon. D. H. LAIDLAW: The Hon. Mr. Burdett pointed out that this Bill is important legislation in the field of consumer protection, but I think it can be improved. The period within which action can be commenced should be reduced and, also, the advice given by a professional person must be given reasonably close to the date of original occupation of the house.

The Hon. N. K. Foster: Would you include council inspectors in that?

The Hon. D. H. LAIDLAW: No. I am thinking of the soil and foundation consultants, civil engineers and architects. At present, under common law when a person engages a builder to construct a house or home unit, it is implied that the builder will perform his work in a workmanlike manner and that he will use proper materials. However, the purchaser of a new house or home unit that is commissioned by a real estate developer is in a much weaker position. The developer (the vendor) has no general obligation to disclose any latent defects. Furthermore, the vendor frequently inserts clauses excluding liability in the contract of sale.

This Bill introduces statutory warranties similar to those that exist under common law, and the parties would be unable to exclude these by agreement. This is laid down by the Bill. It also gives a person, who buys from the developer rather than the builder, the same rights against the developer as he would have had against the builder if he had purchased from him, and these rights pass to any person or persons who purchase the house within five years from the date when it was first occupied as a house or as a place of residence.

The Bill further provides that where the builder was relying upon professional advice, for instance, from an architect or soil or foundation engineer, the defendant can have the adviser joined in the same action and the court can then apportion damages. At present, under the Limitation of Actions Act an owner generally can sue for damages for latent defects in his house or home unit at any time within six years from the date the cause of action arose. However, the claimant must sue the party with whom he entered into a contract of purchase. Under third party proceedings the defendant can seek to have another party joined in the case but he cannot join a fourth or fifth party. Further court proceedings may be needed to reach the person allegedly to blame.

Under this Bill proceedings are simplified. For example, builder A is commissioned by developer B to construct a group of home units. Developer B engages architect C. Developer B sells to owner D, who subsequently sells to owner E. Structural defects occur within five years of the original occupation. Owner E can sue developer B and can, if the circumstances apply, have architect C joined in the action. Under the third party proceedings, developer B can also have builder A joined in those same proceedings.

In this Bill there are some disquieting features. First, it will almost certainly provoke a spate of litigation. As the member for Mitcham when opposing the Bill in another place said (and I quote):

> It is, in its terms, as is so much legislation from the Labor Government, a lawyer's Bill. Professionally, I will be pleased if it passes because it will be sure to make for litigation and I have a modest hope of getting a bit of it. That is unfortunately a price that we may have to pay for progress, so-called

Secondly, the effect of this Bill will no doubt increase the cost of new houses and home units, and housing costs are a major problem in our society. The Housing Industry Association claims that it will increase the price of an average house by up to $1 000. I cannot verify this claim but some increase in cost is inevitable. The architect and the foundation or soil engineer are likely to produce conservative designs if they can be joined by a defendant developer in any claims for defects which occur within five years from initial occupation.

Under similar English legislation introduced in 1974, subcontractors as well as civil engineers can be joined by the defendant in the one action. This seems logical, as the value of work done by subcontractors forms a high proportion of the cost of a house or home unit. Taking this argument further, it also seems appropriate to include suppliers of building material within the ambit of the Bill.

There are, however, strong reasons for excluding subcontractors and building suppliers. First, such a provision would add to the length and cost of litigation. Secondly, subcontractors in the house and home unit field are often single persons or small partnerships with limited assets.

If the real estate developer can have these subcontractors joined in the first action, the blame may be more quickly apportioned. However, the owner may get little recompense, although he received judgment. Meanwhile, the builder or developer could escape financial liability, whereas it is the intention of this Bill to ensure that the builder or developer engages as its subcontractors workmen who are competent.

Thirdly, the suppliers of building materials, for example, timber, often would not know for what purpose certain material was to be used when it was sold to the builder. If the suppliers were included within the ambit of the Bill, it would lead to more litigation much of which would be fruitless.

Clause 4 (3) provides that a person who buys a house within five years from the date of original occupation shall have the same rights as the first occupier to sue in respect of the defects in the construction of the house. It must also be remembered that, under the Limitation of Actions Act, the plaintiff could have a further six years in which to bring an action, so that nearly 11 years might elapse from the date of first occupation to the date of action. That is far too long a period, because any prudent builder, developer, architect or civil engineer would then make provision for possible claims for 11 years after completion of a house or home units, instead of six years as applies at present. This would certainly add to the cost of house construction in this State.

In my experience as a manufacturer of engineering and building products, defects usually occur within the first few months of use. For the reasons stated in my speech this evening, the period of five years should be reduced to, say, two years, and I have placed on file an amendment to this effect. I am not adamant about the period of two years, although I do insist that the period should be less than five years.

In addition, I believe that, in order for the defendant house developer to have joined the architect or civil engineer or soil consultant, the advice upon which the developer relies should be given within a certain time of the original occupation.

On the Adelaide Plains, as honourable members know, the soil is unstable. Conditions change, and technological knowledge of soil movement is advancing each year. It would be unfair for a house developer to be able to blame a soil consultant for advice given, say, five years before the date of original occupation.

The Hon. M. B. Cameron: What would happen in an earthquake? That could cause grave doubts as to what caused a problem.

The Hon. D. H. LAIDLAW: The earthquake problem is one with which we are not directly concened at present. I have placed on file an amendment providing that the advice relied upon must have been given within two years of the original occupation. Subject to these amendments, and to those placed on file by the Hon. Mr. Hill and the Hon. Mr. Burdett, I support the Bill.

The Hon. N. K. FOSTER: I, too, support the Bill, which I commend to honourable members opposite who have seen fit, in supporting the Bill, to make some minor charges regarding certain of its clauses and to foreshadow amendments to it. I should like to deal with two aspects. I refer, first, to the supply of timber to a housing development. Of the timber work that goes into a house today, 90 per cent arrives on the job in a prefabricated form. I therefore take the point that we have got beyond the stage where suppliers do not know the purpose for which their timber is being used.

The Bill also provides that, if a person who does not possess the appropriate builder's licence contracts to do any work at all, the injured party shall be able to sue him to the fullest possible extent for his faulty workmanship. In the last 48 hours, I have heard of a plumber who does not possess a builder's licence in this State (indeed, it is doubtful whether he had a licence in the State from which he came) but who has done work in the Stirling area. However, no injured party has a right of recovery, as the work involved was subcontracted.

The Hon. C. M. Hill: You are referring to a subcontractor?

The Hon. N. K. FOSTER: Yes. I am saying that the Bill is to be commended, as it affords protection to those who, in building a house, undertake the greatest financial responsibility of their life. I should like also to refer to the amendment designed to reduce the time limit. The person who built my house was a good and reputable builder. However, during the course of construction the builder went to Japan, and the fellow who was left in charge tried to "touch" his employer and to rip off a percentage of his business. That person wanted to take an unfair advantage of the builder's clients while the builder was overseas. After seven years, I found certain defects in my house, but I had no redress whatsoever. Although the company involved was sorry about this, that is how the matter was left.

There is hardly any good, stable soil in the metropolitan area suitable for house building, and in areas where there is clay-type soil or Bay of Biscay soil, special foundations must be used. In this respect, the building industry has changed its mind regarding pier and beam and other types of foundation. We have seen the introduction of a large amount of steel in house construction. The type of foundation that was previously recommended was quite revolutionary. The use of pier and beam foundations was recommended because of soil tests, and people were left lamenting because they had no redress.

The honourable member, through his amendment, wishes to make the period two years. I put it to him that, in an abnormally dry winter such as we have just experienced in Adelaide, many of our soils would not show a great difference in the moisture content, and it could be two or three years before the effects are seen. If I were the honourable member I would not pursue that amendment. Perhaps the measure should be made retrospective so that I can get in for my chop. However, the time should not be interfered with, because the honourable member does not recognise the pitfalls that are beyond the builder's control. I could refer to homes in the Campbelltown-Paradise area where builders have recommended that an excessive amount of concrete and steel be used. Under the honourable member's amendment a bloke would have no redress at all, and that is not right.

The Hon. C. W. CREEDON secured the adjournment of the debate.

RUNDLE STREET MALL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 9. Page 1959.)

The Hon. M. B. CAMERON: I intend to make only a brief contribution to this debate, provided that I am not provoked. I wish to say something about the Hon. Mr. Sumner and his remarks yesterday. I believe that his remarks tended to smack of hypocrisy.

The Hon. F. T. BLEVINS: I rise on a point of order, Sir. What the honourable member has said about the honourable member being a hypocrite is entirely out of order.

The PRESIDENT: The honourable member did not call the Hon. Mr. Sumner a hypocrite.

The Hon. J. E. Dunford: It was near enough.

The PRESIDENT: I would point out to honourable members that I have said before that I do not like the use of the word "hypocrisy". It has been ruled out of order recently in one or two other Parliaments. I therefore ask all honourable members to refrain from using the word.

The Hon. F. T. Blevins: Is the honourable member withdrawing the term and apologising to the Hon. Mr. Sumner?

The Hon. M. B. CAMERON: It is difficult when one knows the English language and cannot use it. I did not call the honourable member a hypocrite. If I say his remarks smack of hypocrisy, I am referring to his remarks.

The Hon. F. T. Blevins: He is deliberately flouting your request, Sir. Standing Orders must apply to both sides.

The PRESIDENT: In the belief that the honourable member might have misunderstood the position, I ask him not to use the term.

The Hon. F. T. Blevins: Because you have ruled the word out of order, indeed, unparliamentary, of course you will be asking the Hon. Mr. Cameron to withdraw it and apologise to the Hon. Mr. Sumner.

The PRESIDENT: What I ruled out of order the other day was the use of the word "hypocrite", which is a personal term of abuse directed either to a member or a group of members. The honourable member said that the remark smacked of hypocrisy, which is getting a little close to the bone, but I will not rule him out of order.

The Hon. M. B. CAMERON: I thank you for your ruling, Sir. I would not call the honourable member a hypocrite. However, one must be able to use the language that one has been taught, and I used it in relation to the honourable member's remarks. I said that I would not speak for long unless I was provoked. Government members seem determined to do just that. I quote from the Hon. Mr. Sumner's remarks on what seemed to me to be a simple Bill that relates to what was formerly called Rundle Street Mall but will now simply be Rundle Mall. The honourable member took the opportunity to complain at length about the committee running the mall and indicated that its attitude was not proper and that it should allow greater use of the mall. That is an amazing state of affairs when it is remembered how the honourable member voted on a Bill that was designed to give the mall a bit of life for a few nights before Christmas.

The Hon. F. T. Blevins: There's nothing about shopping hours in the Bill.

The Hon. M. B. CAMERON: The matter was raised by the Hon. Mr. Sumner.

The Hon. F. T. Blevins: About shopping hours?

The Hon. M. B. CAMERON: Yes. The mall dies at 5 p.m. or 5.30 p.m., depending on what time the shops shut. The Hon. Mr. Sumner said in this Chamber:

> . . . but there seems to be a reluctance to combine shopping and commercial activities with dining and drinking in a setting with people around. We have the perfect climate, unlike the British climate, for the development of such activities.

How on earth can shopping be combined with other activities when the shops are shut? The honourable member denied the shops the chance to open at least one night a week for four weeks so that people could enjoy the mall activities and combine their shopping. How the honourable member can criticise the committee for not having a broad opportunity when the honourable member—

The Hon. C. J. Sumner: Does the committee want late night shopping?

The Hon. M. B. CAMERON: I do not give a cocked feather what the committee wants. I am not supporting it.

The Hon. C. J. Sumner: You're defending it.

The Hon. M. B. CAMERON: No. The honourable member cannot say that because, after all, he has killed the mall stone dead. I said that to him at the time the Bill was passed, and he deliberately voted against it. He was acting under instructions, and it is most unfortunate that he was not able to follow his conscience on the matter.

The Hon. C. J. SUMNER: I rise on a point of order, Sir. This nonsensical tirade from the Hon. Mr. Cameron is tiresome to say the least.

The Hon. M. B. Cameron: What's the point of order?

The PRESIDENT: What is the point of order?

The Hon. C. J. SUMNER: I will come to the point of order in due course.

The PRESIDENT: At this time of the evening, the honourable member will give his point of order succinctly and quickly.

The Hon. C. J. SUMNER: I suppose if I were raising a point of order earlier in the day that I could give an explanation?

The PRESIDENT: No, that is the position at any time. What is the honourable member's point of order?

The Hon. C. J. SUMNER: The Hon. Mr. Cameron maintained that I was directed or forced to vote in the way that I did and that it was against my conscience. I just wish to point out again that that is not—

The PRESIDENT: Order! That is not a point of order.

The Hon. C. J. SUMNER: I think that it is a very important point of order. The honourable member has made an allegation that is completely untrue and unsubstantiated. I have risen merely to point out that that is not the case and to ask him to withdraw it.

The Hon. F. T. Blevins: And to apologise.

The PRESIDENT: A point of order is not involved; it is a personal explanation. The Hon. Mr. Cameron.

The Hon. C. J. Sumner: I got it in.

The Hon. M. B. CAMERON: I know that the Hon. Mr. Sumner is perfectly entitled to make a personal explanation later, but I can only make my remarks having listened to his speech on the measure to which I have referred, and those remarks can be described only as a "but on the other hand" speech. What he believes in or does not, from the argument he used, I am not quite sure; that is why I came down on the side of thinking he supported the concept of late night shopping. The argument for it is greater than the argument against it.

The PRESIDENT: Order! This Bill is not about late night shopping.

The Hon. C. J. SUMNER: Will the honourable member give way?

The Hon. M. B. CAMERON: No, it is too late. Do not provoke me, please. The Bill may not be about late night shopping, but I point out that when the Hon. Mr. Sumner was speaking on this matter he spoke about the mall combining shopping with other activities. He seemed to believe that this should be concerned with people being able to drink coffee and alcohol in the mall. If people go into the mall, they want to do more than that: they want to shop and use the mall. I ask the honourable

member in future, when he speaks of matters associated with the mall, to keep in mind that he in a small measure stopped activities in the mall before Christmas.

The Hon. C. J. Sumner: You voted against late night shopping in 1972, as you well know.

The Hon. M. B. CAMERON: I did not—

The Hon. C. J. Sumner: The record is in *Hansard*, that the Hon. Mr. Cameron voted against late night shopping.

The Hon. M. B. CAMERON: That was not late night shopping; that was associated with many other measures. If the issue of late night shopping is put up, I will vote for it at any time.

The PRESIDENT: Order! I will not allow a debate on late night shopping, whether in the mall or anywhere else, to develop, because this is a Bill to change the name of the mall.

The Hon. M. B. CAMERON: I must confess I have been provoked unnecessarily by honourable members.

The Hon. C. J. Sumner: You have no answer to the way you voted in 1972.

The Hon. M. B. CAMERON: I would be happy to answer that, but the President has ruled that I should stop. When speaking on this, the Hon. Mr. Sumner has not disclosed what actually happened—that he stopped activities in the mall. That is something he must remember when criticising people associated with the mall. He had the opportunity to give some life to the mall but he turned it into a dead place indeed for the few nights before Christmas. That is to his eternal shame; he has blackened his record forever and one day this will all come back to him—that people wanted to use the mall for shopping before Christmas. I ask him never again, until he changes his mind and allows people to use this place, to criticise the committee associated with the mall, because he himself has taken a similar step. I support the Bill.

The Hon. N. K. FOSTER: I support the measure. In doing so, I commend those people in the Tramway Employees Union who, as far back as July, 1951, insisted that Rundle Street should have only one-way traffic. From that flowed all sorts of arguments to the traffic committee of the city council, which was opposed to that, as were many other people. I express that view in this Council because of an interjection yesterday (I think from the Hon. Mr. Hill) that some people never change, and change does not come easily, which is true.

I only hope that this brick area, extending for the very small portion that runs from one terrace to another, is the forerunner of many great improvements in this city. I recall the controversy when Martin Place was closed to traffic in Sydney; a similar thing happened there to what we are now witnessing in the Rundle Mall area. In supporting this measure, I suggest it is the first step towards keeping this city free of that rotten automobile, that stink machine which is the main polluter of this and every other State, and that one day it may be that certain areas of the north-south carriageway will be closed off for people and not left open for the motor vehicle. In this connection, I refer to what is being erected, as a result of a compromise, at the corner of Pulteney Street and Rundle Street East—an ugly looking building for the sole purpose of harbouring that noxious vehicle, the motor car. I hope that will not be permitted in future and that the whole of that carriageway will be open to the people.

I also hope there will be central squares in this city, as there should be other squares in the city, somewhat in from the terraces, and that sooner or later responsible people in this city will turn their minds towards ensuring that in this city there should be a place for people rather than machines. I hope that other areas will be closed off so that people can live in peace, quiet and contentment. I applaud the fact that Rundle Mall is now in existence. I hope it is the forerunner of other areas that will be closed off in this city. I commend the Bill and remind honourable members that, as far back as 1951, the trade unions started it by saying that the traffic was too heavy and some sort of restriction should be put on it.

The Hon. C. M. Hill: They wanted one-way traffic.

The Hon. N. K. FOSTER: I said that.

The Hon. C. M. Hill: They did not have the mall in mind at all; they had one-way traffic in mind.

The Hon. N. K. FOSTER: From that beginning, some 25 years ago, came the argument that in Rundle Street we should get the vehicles out and let the people in, with freedom instead of restriction.

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

ADJOURNMENT

At 10.50 p.m. the Council adjourned until Thursday, November 11, at 2.15 p.m.