LEGISLATIVE COUNCIL

Wednesday, November 30, 1977

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

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Barmera Primary School Replacement.

Two Wells Primary School Replacement.

QUESTIONS

SUICIDES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Health on the question of suicides.

Leave granted.

The Hon. R. C. DeGARIS: Further to the question directed to the Minister recently by the Hon. Mr. Cornwall on this matter I have examined the available statistics of suicides as regards South Australia. Will the Minister check the statistics in South Australia to which he has access and advise the Council whether the figures I have obtained are correct, that there has been a decline in the number of suicides from 1974 to 1977 in this State and that there is no discernible increase in the number of suicides in any particular suburb or electoral district in this State during that period?

The Hon. D. H. L. BANFIELD: I will be happy to check the figures referred to by the Leader, but I indicate that the Hon. Mr. Cornwall told this Council that he knew of reasons why young people were attempting to commit suicide. That was the point the honourable member made in his explanation.

The Hon. R. C. DeGaris: I suggest that you read his explanation.

The Hon. D. H. L. BANFIELD: That is my interpretation of the honourable member's explanation. In regard to the figures, I shall seek that information.

PERSONAL EXPLANATION: SUICIDES

The Hon. J. R. CORNWALL: I seek leave to make a personal explanation.

Leave granted.

The Hon. J. R. CORNWALL: My question referred to the actual and attempted number of suicides. Hopefully, the figures I sought will show the number of attempted suicides. Members are aware, and even the Hon. Mr. DeGaris is aware, that it is well known in medical circles, that attempted suicide is not a *bona fide* attempt to take one's life as much as it is a marked symptom that the victim is crying out for assistance. One of the points I wanted to make, and did make, in my explanation of my question was that young people affected by such acute mental depression are involved in the large increase in the number of attempted suicides.

In those circumstances, the matter has to be put into context. I suggest that Mr. DeGaris has tried to turn it around. I did not refer solely to suicides; I referred to actual and attempted suicides.

URANIUM

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a question of the Minister of Health, as Leader of the Government in this Chamber, on the subject of uranium.

Leave granted.

The Hon. M. B. DAWKINS: My attention has been drawn to a recent statement by Mr. Bob Hawke made in a speech to a group of university students.

The Hon. N. K. Foster: Who?

The Hon. M. B. DAWKINS: Mr. Hawke. He is President—

The Hon. N. K. Foster: I'll be speaking to him tomorrow.

The PRESIDENT: Order! As soon as the Hon. Mr. Foster walks into this Chamber we have nothing but an outburst from him during Question Time.

The Hon. M. B. DAWKINS: In his speech to university students, Mr. Hawke made the following comments about uranium:

> Now, coming from that point, let me say why at this stage my view is that we should mine and export it . . . But unfortunately no-one, and I repeat no-one, has yet shown that by keeping Australian uranium in the ground we in fact do anything about those dangers . . .
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> If we keep ours in the ground, all that happens is that alternative suppliers fill the requirements of those countries which not into the future are going to make the decisions but which are already fundamentally committed to this as a source of power. Other suppliers fill the contracts and then what happens only as a result of keeping ours in the ground is that the cost of energy is increased in those rich countries.

I ask the Minister, as Leader of the Government: does he agree with the statement, which I think is a good one, by the President of the A.L.P. and of the Australian Council of Trade Unions; and will the Minister see that the Government, if it is so inclined, commends Mr. Hawke for his statement?

The Hon. D. H. L. BANFIELD: I have not seen the statement made by Mr. Hawke, nor do I suggest that what Mr. Dawkins said was incorrect. However, possibly it could have been taken out of context. This makes all the difference to a statement made by a leading personality in this country.

The Hon. M. B. Dawkins: It was a forthright statement.

The Hon. D. H. L. BANFIELD: Yes, but, in presenting it to this Chamber, it took Mr. Dawkins less than one minute. I suggest that it may have been taken out of context of the statement made by Mr. Hawke, and I would like to see the full statement. If the Hon. Mr. Dawkins is prepared to give it to me, I will send it to the Government to be looked at.

ELECTORAL MALPRACTICE

The Hon. J. R. CORNWALL: I seek leave to make a short statement, prior to directing a question to the Minister of Health, representing the Attorney-General, on the subject of electoral malpractice.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday, Mr. President, you ruled that a question I asked concerning electoral malpractice was out of order because it had nothing to do with State law and, therefore, it had nothing to do with any of the State Ministers; it was a matter for the Federal sphere. Since that time I have been informed that on Monday at Flinders Medical Centre apparently the

same Liberal Party workers decided to take the advice of Sir Henry Bolte and get down into the gutter. They went to Flinders Medical Centre, and represented themselves as electoral visitors.

The Hon. R. C. DeGaris: They had plenty of mates there, too.

The Hon. J. R. CORNWALL: They told the patients clearly they were not representing any Party and proceeded to collect postal vote applications from as many patients as possible, many of whom were acutely ill. I believe that in those circumstances they contravened the State Electoral Act by posing *de facto* as electoral visitors. In these circumstances I request the Minister to take up the matter with the State Attorney-General to see whether a full investigation can be undertaken.

The Hon. D. H. L. BANFIELD: It is a pity that the Federal Electoral Act does not provide for action similar to that which we have taken in this State. It can be seen how "toey" members opposite are in relation to malpractices.

The Hon. C. M. Hill: What do you mean?

The Hon. D. H. L. BANFIELD: The honourable member's Leader interjected immediately when he thought something might be exposed this afternoon by the Hon. Mr. Cornwall. It is a pity we cannot get uniform legislation to ensure that people will not be able to take advantage of the aged and the ill during election campaigns; members of the Liberal Party are taking this kind of advantage all the time. I will refer the honourable member's question to my colleague to see whether we can get uniform legislation which will cut out these unsavoury practices that take place from time to time.

The Hon. J. R. CORNWALL: Will the Minister also undertake to see that this matter is given as much publicity as possible, so that those patients whose postal vote applications become "lost" (because they may have indicated they were not Liberal Party supporters) will understand the situation when they are asked to explain why a formal vote was not received from them?

The Hon. D. H. L. BANFIELD: I will not look around the press gallery and see who is there this afternoon, but I know that those who are there realise the importance of this question, and I trust that they will take notice of what the honourable member has said.

The Hon. R. C. DeGARIS: It has been reported to me that the wife of the Labor Party candidate for Kingston has also been canvassing at Flinders Medical Centre. Will the Minister also inquire into her activities there, while he is examining the false allegations made by the Hon. Mr. Cornwall?

The PRESIDENT: The question should be directed to the Minister of Health in these terms: will he inquire of the appropriate Federal Minister? The matter has nothing to do with the State Government.

The Hon. D. H. L. BANFIELD: I accept your advice, Mr. President, but I do not accept the Leader's statement that the Hon. Mr. Cornwall's allegations are false.

The Hon. R. C. DeGaris: They are hearsay allegations.

The Hon. D. H. L. BANFIELD: The Leader did not say that: he said that they were false allegations.

FITNESS CAMPAIGN

The Hon. ANNE LEVY: On November 23, I asked the Minister of Tourism, Recreation and Sport whether he would consider ensuring that women were appointed to the committee fostering the "Life. Be in it" campaign. Has the Minister any further information on this matter?

The Hon. T. M. CASEY: I am very happy to inform the honourable member that, as a result of her representations, I asked Mrs. Chaplin whether she would serve on the committee, and she has graciously accepted the position.

BEEF PRICES

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

Leave granted.

The Hon. A. M. WHYTE: Can the Minister, through his officers, give details of the break-up of the price gap between the price of meat to the consumer and the cost of production? It is generally accepted that a substantial increase in the price to the producer would make very little difference to the cost of meat to the consumer. If we take the present price of between 16c and 20c a pound for yearling beef away from the present price paid by the housewife of between $1·50 and $1·75, there is a considerable gap. Will the Minister do a similar exercise with the price of beef doubled; that is, between 32c and 40c a pound? It would be somewhere near the cost of production.

The Hon. D. H. L. Banfield: Is someone profiteering, Arthur?

The PRESIDENT: Order! The Minister used a christian name, and that is not permitted. It is out of order.

The Hon. N. K. Foster: It's crook; you go through *Hansard* and see if that is not right.

The PRESIDENT: The honourable member will cease interrupting; I warn him. The Hon. Mr. Whyte.

The Hon. A. M. WHYTE: The Minister by way of interjection asked whether someone was profiteering. I do not know whether that is so, but I believe there is a great wastage between the price paid to the producer and the price paid by the consumer. No doubt, the Minister of Agriculture can find out the exact break-up of that discrepancy. If he will do so and give me the result, I shall be very pleased.

The Hon. B. A. CHATTERTON: The Department of Agriculture and Fisheries has done some research in this area. The Economics and Marketing Branch of that department has done at least one study on this matter, and I think the results of that study were published in a recent return. I will get a report on whether any more surveys have been done recently by the Economics and Marketing Branch. I know it has been assisting the Prices Justification Tribunal, which at present is conducting a nation-wide survey into this aspect of the price of beef and the relevant portion of that price that goes to the wholesaler, the retailer and the producer. I will bring down a report to the honourable member.

ADELAIDE-MANNUM MAIN ROAD

The Hon. J. C. BURDETT: I understand the Minister of Health has a reply to a question I asked during the course of the debate on the Appropriation Bill, relating to the reconstruction of the Adelaide-Mannum main road, Highway No. 33.

The Hon. D. H. L. BANFIELD: For the information of the honourable member, the earliest that I had an answer to his question was yesterday. Since the consultant's report was prepared in 1968, the reduction in available funds for roadworks has meant that many projects, including the upgrading of Main Road 33, have had to be deferred and the extent of upgrading of each critically examined.

Furthermore, since that time, public consciousness of the importance of environmental issues has increased, and recognition of this fact is reflected in attention paid to the limitation of environmental impact in the work of the Highways Department. The proposals in the consultant's report fall far below the standards now considered acceptable; the deficiencies are in the impact of the proposed road on vegetation and land form rather than in the additional traffic which an improved road would generate. The increased traffic would be related mainly to development which, as stated by the honourable member, could be regulated by other means. In consequence, it is necessary to re-examine the whole concept, and in view of the many projects of higher priority it will be many months before a revised proposal will be prepared. Following preparation of an overall plan, detailed survey and design will be necessary, and these activities would preclude commencement of construction for a considerable time, even if funds were available.

On the Palmer-Mannum section of the road, the only reconstruction presently proposed is a one-kilometre section at Mannum, which could be implemented in two to three years time. The widening east of Apamurra completed all work necessary in this vicinity at present. While there is some roughness at the junction of the old seal and new work, the "ridge" mentioned is a visual phenomenon rather than a significant level difference; accident records do not suggest that it is a hazard. The roughness will be eliminated by future resurfacing. It should be noted that, while it is necessary for the Highways Department to plan its work some years ahead, this planning is subject to frequent review in the light of resource availability, and in the current financial situation any indication of a possible construction date must be interpreted as the earliest possible date.

In many cases, deferment will be necessary, and in the case of the Adelaide-Mannum Road it is no longer possible to undertake any work during 1977-78, in view of changes in programming which have become necessary since the honourable member was advised some two years ago that no further work was programmed before this year. Unless additional funds were made available to the Highways Department, the engagement of suitable retrenched workers on reconstruction of this or any other road would be pointless as the resulting reduction in effort elsewhere would lead to the retrenchment of present Highways Department employees.

POSTAL VOTING

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Health, representing the Attorney-General, a question concerning postal voting.

Leave granted.

The Hon. J. R. CORNWALL: A little while ago, the Hon. Mr. DeGaris, who has been a member of this Council and involved in politics long enough to know better, asked a question in which he implied that Mrs. Ellen Gun, the wife of the Australian Labor Party Kingston candidate, Dr. Richie Gun, was in some way doing something illegal. I should like to explain clearly that Mrs. Gun did, in fact, visit Flinders Medical Centre yesterday with A.L.P. workers. It was on that visit that these people, who identified themselves clearly as being from the A.L.P., discovered the malpractice that had gone on the day before.

This is a dirty trick that the honourable member has tried to pull. I suggest that he has gone into the gutter with Sir Henry Bolte. The fact is that the people to whom I have referred indentified themselves clearly while trying to help with postal voting. There was no secret at all regarding who they were. I ask the Attorney-General, or his Federal colleague, whether there is anything whatsoever illegal in a candidate's wife trying to assist that candidate in his campaign.

The Hon. D. H. L. BANFIELD: I will seek that information for the honourable member. I am pleased that he cleared up the position regarding the identification that was made.

HANSARD PROOFS

The Hon. ANNE LEVY: I direct my question to you, Sir, regarding the availability of the *Hansard* proofs. I point out that yet again the *Hansard* proofs have been very late in arriving. In fact, the *Hansard* proofs of yesterday's Council debate were brought to me in the Chamber only a few minutes ago. I realise that copies of the proofs are available at an early hour in the library. However, these proofs may not be removed from the library, which considerably restricts the use that members can make of them. I realise, too, that the late arrival of the *Hansard* proofs has nothing to do with the *Hansard* office in Parliament House and that teething problems are occurring in the printing. However, the new procedure has been used for nearly two months now. I ask you, Sir, to ascertain whether the late arrival of the *Hansard* proofs is expected to continue much longer, thereby causing considerable inconvenience to honourable members.

The PRESIDENT: I will make inquiries for the honourable member and let her know. I know that the *Hansard* proofs were late today. Indeed, I have not yet received my copy.

REFUGEES

The Hon. M. B. CAMERON: I ask the Minister of Health, as Leader of the Government in the Council, whether the statements made by Senator Tony Mulvihill, the Federal Australian Labor Party immigration spokesman, relating to the arrival of refugees in this country demonstrate that the State branch of the Australian Labor Party has reverted to its traditional White Australia mentality and that, once again, racism is rife within all ranks of the A.L.P. In other words, has the A.L.P. reverted to the traditional role outlined by Mr. Arthur Calwell, when he said, "Two 'wongs' don't make a 'white'"?

Members interjecting:

The PRESIDENT: Order! The Minister, if he likes to answer the question, should answer only in respect of the State Parliament.

The Hon. D. H. L. BANFIELD: I believe that Mr. Bolte would be very pleased at the actions of Mr. Cameron.

INSECTICIDE SPILLAGE

The Hon. C. J. SUMNER: My question is directed to the Minister of Health, and it relates to the report of dead fish being found recently at West Lakes and in the Port River, the death of the fish having been confirmed as being due to insecticide. My questions are: (1) When did the spillage of the insecticide occur? (2) How did it occur? (3) How were the departments involved informed of the spillage? (4) What action has been taken to minimise the danger to

the public and the environment?

The Hon. D. H. L. BANFIELD: The material, manufactured in Sydney, came to Adelaide by road transport. The consignment was transferred to a smaller vehicle at Fast Freight Truck depot for delivery to Dow Chemical storage area at Brambles store, Port Adelaide. During this delivery run, about 5 p.m. on Monday, November 28, 1977, a crate of 48 20-litre steel drums of the insecticide burst open and some 17 drums fell to the roadway. Nine drums were fractured and the contents spilled. It was raining heavily at the time.

The driver telephoned his depot, and then delivered the remaining drums to Brambles, where the storeman immediately reported the spillage at 6 p.m. to Dow Chemical Adelaide office. The Manager (Mr. Howarth), after some difficulty, and with the help of the Police emergency room, contacted the Woodville Corporation. I understand an engineer from Woodville Corporation inspected the site of the spillage, found no visible evidence of spilled material (because of heavy rain), and then examined the storm water channel in the centre of the Old Port Road and the outlet points for this storm water near the Jervois Bridge. He reported no sign of milky emulsion as occurs with this material in water, but this may have been because of the volume of storm water at the time. Mr. Howarth immediately contacted Dow's Sydney factory and office, and at 10 a.m. on Tuesday collected water samples for analysis in the company's laboratory.

At 6 a.m. on Tuesday, I understand, the police were informed about dead fish. These were reported by outside sources to the Public Health Department between 8.30 and 9 a.m. Tuesday. The department immediately began to investigate the distribution and use of these fish through both commercial and private channels. The public was warned of possible dangers in a combined police-Public Health Department statement through all media. Commercial operators were instructed to recall and destroy all material sold which could have come from this source.

Individual households in the West Lakes and Port River areas were contacted by door knock, and a surprising number admitted to taking and eating these fish. There have been no reports of ill-effects. Nevertheless, the department has issued a warning that food species found dead should never be eaten, as it is quite possible that whatever killed them could have serious effects on consumers.

CARGO TRANSPORT

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Minister of Health regarding articles which are being transported and which may fall on a public road.

Leave granted.

The Hon. N. K. FOSTER: I know that the relevant Act provides that certain companies can be prescribed if loads on motor vehicles are insecure. I am not suggesting for one moment that there was any negligence on the part of anyone regarding the insecticide spillage, because I am not aware of how it was loaded. All sorts of precautions may have been taken but they may not have been sufficient. I ask the Minister whether the Act can be examined to ensure that all drums containing cargo (and I specify that type of cargo because many chemicals are carried in such containers) be required, under the Act, to be roped together. The reason is that, if the drums are roped together, there is less possibility of their being dislodged, particularly from vehicles that have no side rails or side boards. Additionally, it would be preferable that all drums carrying poisonous material should be carried and stood on end as a safety precaution.

The Hon. D. H. L. BANFIELD: This matter will have to be taken up with the Minister of Transport. The Government will look at the question to see what can be done.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The principal object of this Bill is to enable the Classification of Publications Board to revoke a classification where the publication concerned is no longer available. The board maintains annual volumes of all classified material, and, as time goes by, these volumes are becoming increasingly cluttered with defunct publications. Furthermore, a power of revocation will clearly enable the board to render a previously restricted publication open to prosecution under the Police Offences Act, if the board considers that it is appropriate to do so. As the Act now stands, the board only has power to refuse a classification initially, or vary an existing classification.

The Bill also seeks to remove the obligation upon the board to publish lists of classified publications, and of publications it refrains from classifying, in a newspaper circulating throughout the State. In actual practice, vendors find it much easier to consult the consolidated lists made available by the board through the State Information Centre, and individual newspaper notices are therefore not of much value. Also, in view of the lurid titles many of the publications bear, it is appropriate that the requirement of publication should be limited to publication in the *Government Gazette*. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 seeks to clarify one of the conditions that the board may impose in relation to the sale of a restricted publication. It is made clear that the word "personally" in paragraph *(d)*, as it now stands, means in effect "while physically present in the shop". It has been alleged that this condition may not prevent a person from requesting a publication by post and thus may mean that a vendor can negotiate a sale by post. It is not intended that this practice should be permitted where the condition specified in paragraph *(d)* has been imposed by the board.

Clause 3 empowers the board to revoke any classification or condition assigned or imposed by it. Clause 4 provides that the revocation or variation of a classification or condition must be also be published by the board. Publication is restricted to publication in the *Gazette*.

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

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Early in 1977, the Minister of Lands (who then had the administration of this Act) established a Committee of Inquiry to investigate the problems that the ratepayers of the Eight Mile Creek apparently had. The ratepayers' main concern was with the drainage rates levied under the Act, which they considered placed them in a serious financial position.

This Bill seeks to put into effect the various recommendations made by the committee, all of which are also eagerly sought by the ratepayers themselves. The rating provisions of the Act are to be brought into line with the South-Eastern Drainage Act provisions, in that assessments of unimproved land value made under the Valuation of Land Act will be adopted for the purposes of this Act. A maximum rate of seven-tenths of one cent in the $1 is provided for in the Bill. As the Act now stands, there is no specified maximum whereas the South-Eastern Drainage Act provides for a maximum of three-tenths of one cent. This has long been a cause for dissatisfaction on the part of the Eight Mile Creek settlers.

In pursuance of a recommendation of the committee, I gave an undertaking to the Eight Mile Creek ratepayers that the Government would not at any time increase the proposed maximum rate to an extent that the difference between that maximum and the maximum specified in the South-Eastern Drainage Act would exceed the current differential of four-tenths of one cent. The Bill contains a provision to this effect.

The Bill also seeks to give the Eight Mile Creek ratepayers the right to vote at elections for members of the South-Eastern Drainage Board, as it is this board which performs the functions of the Minister under the Eight Mile Creek Settlement (Drainage Maintenance) Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 deletes definitions that will now be redundant. A rating year is simply any year commencing on May 1 and ending on April 30 next. Section 882 of the Hundred of MacDonnell is excluded from the operation of the principal Act, because in fact no drains service that particular area of land. "Unimproved value" means value as determined under the Valuation of Land Act.

Clause 4 provides the Minister with a power of delegation. Clause 5 provides a new, relatively simple, rating provision. A drainage rate must be declared each year on the unimproved value of the holdings. The rate declared must not exceed seven-tenths of 1c for every $1 of the unimproved value of those holdings. The rate declared each year is only to cover the cost of putting into effect the purposes of the Act. Each landholder is liable to pay his proportion of the rates within 30 days of receiving the rate notice.

Clause 6 provides that 10 per cent interest (the current rate) will run on rates that are overdue by more than 30 days. Clause 7 recasts section 14 so that it reads more concisely and clearly. Clause 8 repeals two sections. The provisions of section 15 will be covered by a simple amendment to the Crown Rates and Taxes Recovery Act. Section 16 is now redundant. Clause 9 provides that regulations may be made for the purpose of requiring landholders to remove obstructions from drains. The existing penalty of $100 for the breach of a regulation is increased to the more realistic level of $500.

Clause 10 amends the Crown Rates and Taxes Recovery Act. Rates under the Eight Mile Creek Settlement (Drainage Maintenance) Act may be recovered under this Act. Clause 11 amends the South-Eastern Drainage Act. Eight Mile Creek ratepayers are given the entitlement to vote at elections for members of the South-Eastern Drainage Board. A reference to the Lands Department is deleted, as this Act is now administered by the Minister of Works. The board itself must now make the relevant plans available for public inspection.

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

SAVINGS BANK OF SOUTH AUSTRALIA 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.

It amends the principal Act, the Savings Bank of South Australia Act, 1929, as amended, to provide a degree of clarification of the power of the bank to accept as customers "commercial" bodies. At present, the principal Act, at section 31a, prohibits the bank from lending money to "commercial" bodies. This limitation is contained in subsection (1) in the expression "not being a body referred to in section 46 of this Act". I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 2 proposes the removal of this limitation in its present form with a view to inserting it in what is felt to be a more appropriate place; that is, section 46 itself. Section 46 of the principal Act is proposed to be amended by clause 3. In substance, the amendments proposed by this clause are as follows.

First, since section 46 imposes a conditional limitation on the powers of the bank to accept as customers "commercial enterprises", there has been included in that conditional limitation the power of such an enterprise to borrow from the bank. Secondly, the conditions of the limitation which were contained in subsection (2) of section 46 have been varied. In its present form, subsection (2) provides that the limitation does not apply to the opening and operating of credit cheque accounts by commercial bodies if there has been appropriate consultation with the State Bank.

It is now proposed that the whole limitation imposed by subsection (1) will not apply to "commercial" bodies where the trustees are satisfied that the provision of the facilities is necessary to "protect or extend" the interests of the bank or to provide facilities not readily available from other sources. It is suggested that the expression of the conditional limitation in the form proposed will deal with the situation in which from time to time the bank finds itself, where one of its "commercial" customers,

being a natural person, either forms a partnership or a company, and as a result cannot continue to be a customer of the bank. If the amendment proposed is accepted it will permit business partnerships and small commercial companies to be customers of the bank.

Finally, the attention of honourable members is drawn particularly to the fact that in no conceivable way does the removal of the present limitations on the powers of the trustees affect the security of depositors' funds. The limitation on amounts that may be lent and the security required for loans remain exactly the same as also does the bank's general powers of investment.

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

REGIONAL CULTURAL CENTRES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It allows a trust established under the principal Act, the Regional Cultural Centres Act, 1976, to deposit funds not immediately required by that trust with the Treasurer or to invest such funds in a manner approved by the Treasurer. Section 13 of the principal Act provides that a trust established in accordance with the Act may, with the consent of the Treasurer, borrow money. Unlike other Acts which establish statutory corporations and provide them with borrowing powers, the Regional Cultural Centres Act does not provide an investment power. This Bill remedies that situation.

Clause 1 is formal and clause 2 enacts section 13a providing that a trust may deposit any funds not immediately required by that trust with the Treasurer or may invest those funds in a manner approved by the Treasurer.

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

PLANNING AND DEVELOPMENT 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.

It amends the principal Act, the Planning and Development Act, 1966, as amended. It is essentially an interim measure and is intended to deal with two matters necessary to maintain effective control of development during the period over which the Government is considering all aspects of control of private development. First, the Bill extends from five to eight years the period during which interim development control may apply to land. There are some 20 local council areas, particularly in the metropolitan and Adelaide Hills area, in relation to which, in the normal course of events, interim development control would cease to apply in 1978 and many more in 1979. Thus, unless zoning regulations are prepared for those council areas so as to come into operation at the time their interim development control power expires, those councils would be bereft of development control powers. Preparation of zoning regulations is a lengthy and costly process taking at least 12 months and frequently several years. It also requires the application of considerable resources both by the relevant council and the State Planning Authority. Accordingly, it is unlikely that all councils will be in a position to meet the present deadlines that arise from the expiration of interim development control in their respective areas.

Moreover, in view of the current inquiry into the control of private development, it would be most inappropriate to insist that councils prepare new detailed zoning regulations at this time given that the form of development control may change substantially as a result of the inquiry. A number of councils have expressed concern at the prospect of having to replace their present interim development control procedures with permanent detailed zoning regulations until the results of the inquiry are known. Extension of interim development control will enable councils to continue their present means of development control for a further limited period until the results of the inquiry are known. This, however, will not inhibit any council which wishes to prepare zoning regulations if it wishes so to do.

The second measure dealt with in this Bill is intended to ensure that land subdivision and resubdivision plans conform with the relevant authorised development plan and planning regulations for the area. Development plans are the major vehicle for stating policies for future development and they include policies for the division of land. However, at the present time only the State Planning Authority (and, on appeal, the Planning Appeal Board) are entitled to consider the provisions of development plans in the determination of subdivision applications. The State Planning Authority is at present bound to consider whether land subdivision applications, in a limited number of metropolitan zones, conform with the metropolitan development plan and regulations. The Director of Planning must refuse approval if the authority considers that the subdivision application does not conform with the plan.

No similar testing of applications against relevant development plans applies in respect of resubdivision applications or in relation to any division of land outside the metropolitan zones adverted to above. This amendment will deal with that position by providing that in all areas the Director of Planning will be required to assess subdivision and resubdivision applications in the light of the relevant development plan and planning regulations and he will be required to refuse nonconforming applications. Since the Director will make that assessment it will no longer be necessary for applications for subdivisions in prescribed metropolitan zones to be considered by the State Planning Authority. As a result, some time saving in the processing of those applications will occur.

Aside from this time saving, the benefits of the amendment will be —

(a) to ensure that future division of land conforms with the policies contained in development plans and planning regulations which have undergone the processes of public consultation and Government endorsement; and

(b) to ensure that the Director of Planning is entitled to test all land division applications against the development plan as indeed the Planning Appeal Board is at present entitled to do on appeal.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 41 of the principal Act by striking out the limitation on the period for which land may be declared to be under interim development control and substituting therefor a maximum period or periods aggregating of eight years running from the first day of December, 1972, this being the earliest day on which interim development control could be imposed by regulation rather than by proclamation. In addition proposed new subclause (2b) validates any existing declarations relating to interim development control to the extent that they may be defective.

Clause 3 repeals section 45a of the principal Act. This section provided that where a plan of subdivision related to a "prescribed locality", as defined within the metropolitan planning area, the Director of Planning was required to submit the plan to the State Planning Authority for an expression of its view as to the conformity of the plan to the purposes, aims and objectives of the Metropolitan Development Plan and the planning regulations made thereunder. If the authority came to the conclusion that the plan of subdivision did not so conform the Director was obliged to refuse his approval of the plan.

It is proposed that for section 45a there will be substituted a new section 45a providing that this examination as to conformity with the relevant authorised development plan will be extended to cover all plans of subdivision and resubdivision coming before the Director and in the interests of prompt decision-making this examination will be undertaken by that officer, with the usual provisions applying in relation to notification of decision, reasons therefor and appeals.

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

GOVERNMENT BUSINESS

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

> That Standing Orders be so far suspended as to enable Order of the Day, Government Business, No. 10 to be taken into consideration before Orders of the Day, Private Business.

The Government considers, in view of a conference taking place tomorrow involving a Federal officer, that it is necessary for the Public Service Act Amendment Bill to be debated before that conference takes place. I seek the co-operation of members, and assure them that in no way will time for private business be restricted. Indeed, I will assist members in making time available.

Motion carried.

PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1007.)

The Hon. C. M. HILL: I support the second reading of this Bill, and also support the Hon. Mr. Laidlaw, who indicated that he would move an amendment to disallow the Government's expressed intention in clause 4 to extend long service leave in the Public Service in South Australia from nine days to 15 days after 15 years service. I re-read the Government's explanation when introducing the Bill, and it did not give any reason for it other than referring to machinery measures. I received a telegram, as I believe did other members on this side of the Chamber, from the Public Service Association; it was a very long telegram, containing 144 words.

The Hon. Anne Levy: Did you count the words better this time than last time?

The Hon. C. M. HILL: I do not follow that interjection.

The Hon. Anne Levy: I'm referring to the play *East*.

The Hon. C. M. HILL: If the honourable member is going to start supporting the play *East* she should be ashamed of herself.

The Hon. J. E. Dunford: It's true to life.

The Hon. C. M. HILL: It is interesting to hear the Hon. Mr. Dunford supporting the play. He should read the letter in the *Advertiser* from a person who had read the full critique of the play and not taken a paragraph out of context as the Festival Theatre people did.

The Hon. Anne Levy: How much of it did you read?

The Hon. C. M. HILL: More than enough, for my liking. Returning to the telegram, I counted 144 words, and I assume that sending it to members would have been expensive for the Public Service Association. Of course, members are here to be approached by parties interested in legislation, and in my experience all members in this Chamber are willing to receive deputations and to see individuals wishing to discuss legislation. This seems an unnecessary and expensive action for the Public Service Association to take, especially when one considers that certain statements in the telegram amount to standover tactics.

It certainly caused me to have some concern about its contents, apart from the length of the actual message; for example, I refer to the last few words in the telegram, as follows:

> Your attitude will be closely observed and widely publicised.

This indicates nothing other than political pressure of a kind that, frankly, I do not expect from a body such as the Public Service Association. I have always had respect for the association and for the public servants whom it represents. It was therefore surprising and disappointing for me to receive this telegram. Some of the other claims in the telegram are very arguable; for example, the telegram states:

> The Government has a clear mandate for this legislation.

I have been informed that the Premier of the day promised the association that this long service leave would be granted, but he made that promise to the association at a meeting held with it; so, that is hardly a basis for a public mandate. I have also been told that the promise was made in the election policy speeches of 1973 and 1975. I have not had a chance to check that, but the promise was certainly not in the policy speech given during the September, 1977, election campaign. The only reference in that speech to the Public Service was the following paragraph:

> The State Public Service has a high reputation for its managerial efficiency and its modern approach. Legislation will be introduced to amend the Public Service Act to enable the development within the South Australian Public Service of varying forms of modern management.

I do not believe that the extension of long service leave can be related to that paragraph. Therefore, the association's claim that the Government has a clear mandate is arguable. In opposing the proposal to extend long service leave in this way, I commend the Hon. Mr. Laidlaw for the research he did and for the manner in which he contributed to this debate. He has had long experience in this field in the private sector, and he has shown by his speeches and actions here that he is always extremely fair in connection with industrial matters. I have found the information and statistics that he brought forward extremely helpful.

I stress again the high regard that I have for the Public

Service of this State. While I have criticised the wording of the long telegram, I make clear that I have always held, and still hold, the Public Service Association, as a body, in very high regard. At present this State cannot afford an added benefit to its public servants as is proposed here, nor can this State afford the risk of the flow-on of such benefits into the overall State long service leave legislation and into the Commonwealth area. It is hard for Government members to deny that such a flow-on will occur.

A few moments ago the Leader of the Government in this Council said that he wanted this Bill debated and passed today because there was to be a conference in which a Federal official was to be involved and it was essential from the Government's viewpoint that this Bill be passed before that conference tomorrow. I cannot help suspecting that that conference itself will be involved with some kind of flow-on benefit in connection with long service leave; otherwise, what would be the purpose of the measure's being passed prior to the conference? I do not know the purpose of the conference or the identity of the official to whom the Minister referred. However, this is an example of how, if this Bill was passed, there would be a flow-on. From the viewpoint of the economy of this State, this is a very serious matter.

Since the Dunstan Government came to office in 1970 we have had tremendous increases in taxation and costs in this State, and we have now reached the stage where the economy is not good, by any criteria. In such a situation it is not responsible to pass a measure of this kind. The State cannot afford to provide the necessary funds. Of course, we all realise that the funds would have to come from taxation and charges levied on the public. With the economy as it is at present, with high taxation and high costs, the time is inopportune for such a benefit to be granted.

I have received personal representations from Public Service Association officers, as have some other honourable members on this side. The case that those officers submitted in support of their claim is quite strong; I do not deny that, nor do I deny the right of the Public Service to be treated fairly in connection with conditions and remuneration. However, at this time the State cannot afford the benefit proposed. From the statistics with which I was provided as a result of discussions with Public Service Association officers, it appears to me that this long service leave benefit would put the public servants of this State in this regard in a position better than that of public servants in Victoria, Queensland, Tasmania, and the Commonwealth sphere.

I believe they would be very slightly better than those in New South Wales but not quite as good as those in Western Australia. I mention that generally but I think that is the correct broad canvas to paint under that heading. It means that South Australia would come very near the top of the scale, and we just cannot continue in this State getting right up to the top of the scale when we consider the outgoings the Government has to find and the difficulties the people of South Australia (one of the smaller Australian States) have in finding the funds for such outgoings as the Government of the day has to provide. Therefore, I support the other sections of the Bill, but in Committee I intend to support the amendment placed on file by the Hon. Mr. Laidlaw.

The Hon. A. M. WHYTE: I believe it necessary to make my view clear on this Bill. I have been interested to listen to the Hon. Mr. Laidlaw and the Hon. Mr. Hill. The Hon. Mr. Laidlaw justly has been credited with being a negotiator in this field with some success, both on committee and as a private citizen. I thank him for the figures he quoted. It is obvious that such a measure will entail a great increase in taxation, not just for the public servants but because it has a flow-on potential which no doubt will be capitalised on by various organisations.

However, I am of the opinion that long service leave is a reward for good and faithful service over a period of years, and I agree entirely with the concepts of long service leave, as I believe all others here do. It is the rate of increase at this time which is contentious. When we consider that South Australians, per capita, are the most heavily taxed people and belong to a State with a limited productivity potential, it seems strange that the Government is not watching economics to the point of steadying the position. However, 53 per cent of taxpayers voted for Mr. Dunstan and, if they are prepared to accept, or are so naive as not to notice, the contents of this Bill and what it will lead to in taxation, I doubt very much whether I have the right to deny public servants the increase.

I appreciate the position of the representatives of the Public Service Association; those who came before me were able to present a valid case; I do not object to their doing so. This is most fashionable today and, no doubt, when this Bill is passed, we shall have further representations for further extensions.

The Hon. M. B. Dawkins: That's the problem.

The Hon. A. M. WHYTE: Yes. The Premier gave an undertaking to the Public Service Association knowing full well its cost to the taxpayer. As I say, the taxpayers again returned Mr. Dunstan, practically on a personal vote, and I doubt very much whether I have the right to interfere with his undertaking to the Public Service. By and large, I have great admiration for the Public Service, the standard of whose members, I presume, rates highly among standards applying anywhere in the world.

I was, of course, somewhat concerned to receive the telegram mentioned by the Hon. Murray Hill. If the position had been a little different, I would have voted against the Bill, because one thing I will not tolerate is the Public Service or anyone else attempting to bulldoze my decision on any legislation. I have made that point clearly to the officers concerned. I repeat that, if it was not for the fact that I believe the Premier himself gave those people an undertaking to fulfil this extension of long service leave, I would be very adversely influenced by the telegram I received. However, all things being weighed up, I have decided to come down in favour of the Bill.

The Hon. M. B. DAWKINS: I did not intend to speak on this Bill but I feel I must make my position clear. It is similar to that enunciated by the Hon. Mr. Whyte. I am concerned about the Bill. Like the honourable member, I appreciate the many valuable members of the Public Service. However, I am concerned about the position that will obtain, in my view, in the flow-on that will result from the passing of this Bill. As indicated by the Hon. Mr. Whyte, this is a serious problem, but like the honourable member, I am mindful of the fact that the Premier promised this improvement as far back as 1975, and it ought to occur. I am also mindful of the fact that in certain other States the Public Service already has some of the improvements mentioned here.

I must say that I was sorry to get the telegram that was sent to honourable members, to which the Hon. Mr. Hill and the Hon. Mr. Whyte have referred. I suggest that standover tactics of that nature are to be deplored and, if the members of the Public Service wanted to ensure that the Bill would fail, that was a good way to start a campaign to see that it did. However, in the circumstances that have been detailed by my colleagues, I will support the second reading of the Bill but am concerned at the flow-on possibilities that may accrue as a result of its passage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Long service leave."

The Hon. D. H. LAIDLAW: I move:

Page 2—Lines 11 to 14—Leave out ", until and including the year of effective service immediately preceding the year of effective service immediately preceding the first year of service to which paragraph *(c)* of this section applies,".

Lines 15 to 19—Leave out all words in these lines.

Line 22—Leave out subsection (1a).

I have moved this amendment in an attempt to stop the proposed increase in long service leave entitlements for public servants from nine days to 15 days a year after 15 years of service, with retrospectivity to July 1, 1975. If this Bill passes, South Australian public servants will receive seven months instead of six months long service leave after 20 years service, and 12 months instead of nine months leave after 30 years service.

The Premier apparently promised in his 1975 policy speech to grant South Australian public servants leave entitlements as generous as those applying in any other State, and the Public Service Association has opted for entitlements similar to those operating in New South Wales.

I strongly oppose this provision in the Bill, as I think it is ill timed. Australia is a trading nation, and South Australia in particular sends 85 per cent of its products out of this State or overseas. Organisation for Economic Co-operation and Development countries, Japan and America, have in recent weeks forecast an economic recession in 1978. This will undoubtedly have an impact on conditions in South Australia.

I recognise that two years ago the Premier made a commitment to the Public Service Association. However, my objection is to the timing of this Bill. If these extra long service leave provisions apply, they will add to the State Government's deficit, even though only about 17 000 employees are affected by the provision. What is worse, if these extra benefits apply, they will undoubtedly set up a demand for improved entitlements by more than 300 000 workers employed under the State Long Service Leave Act, about 70 000 of whom are employed on weekly hire in Government departments. In addition, Commonwealth public servants in South Australia and persons employed under long service leave provisions in Federal awards will also expect or demand more.

There is a precedent for this. In 1972, the State Long Service Leave Act was amended to give to more than 300 000 employees the right to four and half months leave after 15 years service instead of the three months to which they had previously been entitled. The entitlements granted are more than those that apply in awards in the other five States and also under Federal awards, under which employees receive three months long service leave after 15 years service.

The South Australian taxpayer is therefore being committed to meet 1½ months more pay for the 80 000 weekly-paid Government employees in South Australia than taxpayers in other States are being asked to meet. I know that South Australia has many advantages. However, I do not know how many burdens it can stand that are greater than those which apply in the richer and larger States.

If this Bill passes and the entitlements flow through into State Acts, the taxpayer will have to meet the demand for 12 months rather than nine months pay after 30 years service. If this State is to retain any commercial and industrial future, Parliament should act with certain restraint right now. I commend the amendment to honourable members.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendment, the effect of which is to remove the provision for 15 days long service leave in the case of the sixteenth or subsequent year of effective service of an officer where it has occurred after July 1, 1975. It always amazes me that, although members opposite agree with the principle of a thing, they say that now is not the time to give such increased entitlements. It does not matter what the concession is: their attitude has always been the same. Although members opposite cannot oppose the principle of the thing they contend that the time is never ripe to grant increased entitlements.

It is interesting to note that the Hon. Mr. Laidlaw did not mention a possible time when it might be appropriate to introduce such increased entitlements. Members opposite have never made that sort of suggestion previously, either.

The Hon. D. H. Laidlaw: What about in 1957, when the long service leave legislation was debated?

The Hon. D. H. L. BANFIELD: In 1957, we had much strife trying to introduce a long service leave Bill in this State. We were so far behind the other States in this respect that it was a disgrace. Knowing that, Sir Thomas Playford had to do something about it. However, he did not do so wholeheartedly; he cut down considerably the entitlements to apply in this State compared to those applying in Federal awards. The Hon. Mr. Laidlaw knows that, just as he knows about the strife with which the trade union movement had to contend when deputations were waiting on Sir Thomas Playford even to get a long service leave Bill introduced to cover workers under State awards. That was not the right time either.

However, that Government had to act in the area of long service leave, although it did not do so along lines similar to those applying in other States. So, the honourable member sould not talk about what happened in 1957, as I know a little about what happened then. This was an election promise made by the Premier in 1975, so it is not now being sprung upon the electorate. The people were told about it in 1975, and endorsed the Government policy at that time.

If members opposite think that there will be a certain time when this provision can operate, let them get up and say so. This amendment is similar to provisions that obtain in New South Wales, and it effects an election promise given by the Labor Party in 1975 that it would give our public servants conditions similar to those applying in other States.

The Hon. J. C. BURDETT: Whilst I appreciate the reasons that the Hon. Mr. Laidlaw has given, I cannot support the amendment. The strongest argument in favour of it, I suppose, is the flow-on that almost certainly will take place into the private sector, but the fact of any flow-on should not alter any just claims made by public servants. Public servants have been very moderate in their claims. They have not sought to make excessive claims for wage increases in general and they have tried to put their claims in the form of claims for working conditions, which include long service leave, rather than in wage claims.

The entitlement to long service leave in the Public Service has not changed for many years, but employees in the private sector are not in the same position as public servants. It is idle to think they are. Other employees have perquisites of many kinds. Many receive short-term benefits for continued service and receive over-award payments that do not apply in the Public Service. The only reward that a public servant can look forward to for continued service is by way of long service leave and superannuation. In the private sector, frequently there are

many other rewards.

I accept that the Government had a mandate for this Bill in its 1975 policy and, whilst the proposal was not spelt out in the 1977 policy, the promise has been made to the Public Service Association this year that the long service leave entitlement will be brought into line with the best provisions in other States. That seems to be what the Bill does and what the clause in question does.

It is worth saying that the main benefit that the Bill gives is for really long service of about 15 years, and so on. Also, the proposal will not cost the Government (and, therefore, the taxpayer) much money in the short term. There will not be a massive pay-out and there will not be large numbers of public servants with that period of service taking their long service leave immediately or at any given time. There is a limit of retrospectivity to the time when the promise was made, namely, in 1975. I have been disappointed that no-one has been able to give me an estimate of the cost, but there will not be a massive initial cost.

The Hon. M. B. CAMERON: I oppose the amendment. However, I would prefer the Minister to have stuck to the merits of the case rather than talk about this being a promise made in the past and, therefore, one that we had to keep. I would not mind that so much if this Government had kept every promise that it made. One does not have to look back far to remember some of those promises made at election time. I remind the Minister that water filtration for this State was promised in 1970 and it was said that it would be finished in five years, without Commonwealth support. Further, we were to provide the world's biggest dial-a-bus system, but that did not materialise.

The underground railway through the city, which was promised before an election, did not come. We were going to develop Adelaide railway station and put an international-standard hotel there, but that did not come. Another international-standard hotel in Victoria Square did not come. I could go on with about 200 promises that have not been kept. There was a promise of a new hospital at Whyalla, but the Government has ducked away from that.

The Hon. F. T. Blevins: The Government has given us all that we require and it is superb.

The Hon. M. B. CAMERON: That was not what the honourable member told me before the election three years ago.

The Hon. F. T. Blevins: That was before Fraser closed the shipyard.

The Hon. M. B. CAMERON: The Labor Government, under Whitlam, closed the shipyard.

The CHAIRMAN: Order! This debate is out of order. Will the honourable member come back to the subject?

The Hon. M. B. CAMERON: I was referring to the argument that the Minister has used to try to justify his case. It is a pity he has ducked into the mystery world to justify it. On that case, he nearly lost a few votes in support, because it was a false case.

The Hon. R. C. DeGARIS: The Minister almost talked me out of what I proposed to do. If one could reverse the position, I wonder what the Minister would say if we amended the Bill to give five years long service leave at the end of 15 years service. There is a responsible attitude and argument on both sides, but the Minister did not put a responsible argument. I fully appreciate the view that the Hon. Don Laidlaw has expressed, namely, that this State should not be the pace-setter in all fringe benefits that apply to various sections of the community. If it was, we would affect members of the community far more than we would affect them in any other way that I can think of.

This State is in an increasingly difficult competitive position, and many times in this Council I and other members have reminded the Government that, every time it provides in this State benefits in excess of those provided in other States, it places South Australia in a position where it will not be able to compete. We have reached that stage in many things. This does not affect only a small group: it affects every worker. Every person who buys anything in this State will pay more because we are placing ourselves in a position where we cannot compete with the services offered in another State.

It is not a question of who is first or of who is right or wrong: it is a question of plain economic fact. Therefore, I appreciate the viewpoint expressed by the Hon. Don Laidlaw. The Bill places South Australian public servants in the second most advantageous position in Australia regarding long service leave.

The Hon. C. J. Sumner: Who is first?

The Hon. R. C. DeGARIS: Western Australia is slightly better off than the other States. I will go through the list, so that members will see to what I am referring, as follows:

Long Service Leave Entitlements

State:	Years of service:	Months of leave:
Queensland	10	3·25
	15	4·87
	20	6·5
	30	9·75
Tasmania	10	3
	15	4·5
	20	6
	30	9
Western Australia	7	3
	14	6
	21	9
	28	12
	35	15
New South Wales	10	2
	15	4·5
	20	7
	30	12

Victoria is the same as Tasmania, the Commonwealth and South Australia. There are four States in which long service leave provisons are identical. Queensland and New South Wales are slightly better, and Western Australia is probably at the top. We will be the second most advantaged State behind Western Australia.

The Hon. J. E. Dunford: What's the position now? Aren't three States better off than we are?

The Hon. R. C. DeGARIS: Presently four States are on one level and three States are on a higher level. Three States are better off now than is South Australia. But from that point we are to become the second most advantaged State. The subject of this Bill was promised by the Premier before the 1975 election and, although there was no mention of it before the 1977 election, it was referred to the Public Service Association before the election.

I do not believe that in a Bill all matters referred to by a Premier or a political Party before an election can be taken as having an absolute mandate for passage, unamended, in relation to that promise. To say that the Bill must go through unamended because of something said in an election speech is not a totally valid approach. On balance, I will support the Bill as it is. One of the problems we always face in such matters is that the Government sets the pace with the granting of fringe benefits to the Public Service, and then uses that as an excuse for applying that benefit to all sections of the community.

I agree entirely with what has been said, that if this benefit is extended across the whole community in South Australia and into private industry it will take us further away from being a competitor of the other States and the Commonwealth. That is a real worry to me. I fully appreciate the views expressed by the Hon. Mr. Laidlaw but, for the reasons I have given, I will support the Bill.

The Committee divided on the amendments:

Ayes (4)—The Hons. Jessie Cooper, R. A. Geddes, C. M. Hill, and D. H. Laidlaw (teller).

Noes (16)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, J. C. Burdett, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. B. Dawkins, R. C. DeGaris, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and A. M. Whyte.

Majority of 12 for the Noes.

Amendments thus negatived; clause passed.

Remaining clauses (5 to 12) and title passed.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 23. Page 964.)

The Hon. F. T. BLEVINS: I oppose the Bill, and the case against it has been already well put by the Hon. Mr. Dunford, the Hon. Mr. Laidlaw and the Hon. Mr. Burdett. I do not intend to go over the details because those three honourable members certainly outlined why the Bill should not pass. True, the Bill has superficial appeal because, to suggest that one can have fresh bread provided seven days a week seems good until one looks at what are the costs of obtaining fresh bread seven days a week.

The Hon. R. C. DeGaris: Now is not the time.

The Hon. F. T. BLEVINS: I intend to say that never is the time. The reality, as opposed to the superficially appearing theory, is entirely different. If this Bill were passed, instead of fresh bread seven days a week there would be stale bread seven days a week. It would mean, as outlined by other members who have spoken in the debate, increased costs and increased working hours for bakeries, with no benefit to members of the public. The area that especially interests me is country bakeries. I come from the country, from a city where we have two bakeries that are highly competitive, both having the right, as do other country bakers, to bake seven days a week, but they choose not to do so because there is no demand for that whatsoever. That clearly shows the reasons why this Bill should not be passed.

My information is that there are 74 country bakeries in South Australia, and each of these bakeries would be threatened if this Bill were passed. It would mean that big bakeries would gear up for seven-day baking, as happens in Victoria, and as was clearly outlined by Mr. Bobridge, from the Bread Manufacturers Association, in his first-class submission. In Victoria, country bakeries and small bakeries were eliminated and giant bakeries took over, retrenched staff, closed down bakeries and put out an inferior product that is stale, seven days a week.

There is considerable employment in country bakeries. There may not appear to be many employees in each bakery, but taken as a whole this could involve between 400 and 500 people, including proprietors and their families, who would be affected by this measure. As the Hon. Mr. Laidlaw pointed out, he is always in favour of increased productivity and greater efficiency. If that was the case, you could make a case for those people going to the wall. That will not happen because the cost of bread will increase, as outlined in the submissions made to us, and that is of no benefit to the public. This benefits only the large bakeries, usually oversea owned, to the detriment of bakers in the country. If you imagine that, for example in Whyalla, bread baked in Adelaide would not be sold in Whyalla, you have not had much experience of what goes on overseas. I know that in the United Kingdom bread is shipped from one end of the country to the other. In the United States, it is taken as far as 500 miles from the central bakery. It will affect employment in country towns with no benefit to the consumer. I can see no reason for supporting the Bill. There is no analogy to be drawn between this measure and shopping hours. There was public demand for increased shopping hours, and that was made clear.

The Hon. R. C. DeGaris: Was it made clear in debate? Did you vote for it?

The Hon. F. T. BLEVINS: Of course I voted for it. That is a typically stupid remark. Hopefully on Thursday we will have late night shopping. I do not know where Mr. DeGaris has been for the last 20 years. There was a public demand for late night shopping and that demand has been satisfied by this Government. I have not seen one letter to the press supporting the Hon. Mr. Carnie's measure. I have had no correspondence sent to me, nor do I know of any other member who has. No submission has been put from any quarter in support of the Bill. I think it is as well that the Hon. Mr. Carnie did not require a seconder to introduce this Bill or he may not have got one.

The Hon. J. A. Carnie: I think I would have managed that.

The Hon. F. T. BLEVINS: You may have; I did not say that in an unpleasant way, because I think something good has come out of this Bill, and a total lack of support will ensure that we will never hear of it again; we will not be plagued with it year after year, or month after month, or election after election, as has been the case with shopping hours. In view of the total lack of support and rational opposition, I oppose the Bill.

The Hon. M. B. DAWKINS: I find myself unable to support the Hon. Mr. Carnie's Bill, although I realise that he introduced it with the best of intentions. I have examined the matter carefully. I do not wish to go into details, as other honourable members have done so already. I have submissions from the Bread Manufacturers Association and the Breadcarters Industrial Federation, and from those submissions and my considerations of them, in my view it is not a good Bill. I believe there would be some hardship and increased costs to the bread manufacturers and considerable inconvenience to the workers in that industry with no real benefit to members of the public.

The Hon. Mr. Laidlaw referred to refrigeration. Nowadays, the very small refrigerator without an adequate freezing compartment has gone. Many people have separate freezers, but most people have a larger refrigerator even if not a separate freezer, and this enables them to store some bread and keep it fresh. There is no need for baking seven days a week, with the increased costs that would be incurred. I am unable to support the Bill, introduced with good intentions by the Hon. Mr. Carnie.

The Hon. J. A. CARNIE: It appears fairly obvious that in the course of this debate I stand virtually alone on this issue. This has happened before and will possibly happen again. I am not unduly fussed about it, but naturally I am disappointed. It is obvious that this Bill will not pass. The Hon. Mr. Dunford was the first member to speak against

it, but he did not put any of his ideas at all, which was surprising, as he mentioned several times that he had worked in the bread industry.

The honourable member's speech consisted of an almost complete reading of my second reading explanation; in that respect I should thank him because, as a result, my speech is in *Hansard* twice. The rest of the honourable member's speech was a full quote of the submission of the Bread Manufacturers of South Australia. I regret very much that that association took the attitude that it did; not that I am opposed to its right to oppose the legislation and to make a submission to honourable members, but it was unfortunate that it did so in a way that was really a personal attack on me. I resent the use of the word "dishonesty" because, whatever else I am, I am not dishonest. The submission states:

> It is incredible to hear, in these latter days, the doctrine of *laissez faire* being brought forward. This doctrine has been completely discredited in enlightened communities, and is more the policy of an old-time Tory rather than that of an enlightened Liberal.

Although the author of that statement may know about bread manufacturing, he certainly does not know about political history, because *laissez faire* was a middle-of-the-road doctrine in England: it was never a doctrine of the Tory Party. The submission states:

> In both Queensland and Victoria the industry is in a chaotic state both economically and socially.

I went to Victoria to speak to representatives of the industry, and that is not what I was told there. The gentlemen to whom I spoke admitted that they would like to return to five-day baking but, because of public acceptance of six-day baking or seven-day baking there, they would not be game to initiate such a move. There is also reference to the fact that I used the word "farcical". It is made to appear that this was my own word whereas, in fact, I was quoting what the A.L.P. Minister of Labour and Industry in New South Wales said about restrictions on baking in his State. I also resent the statement that I was perhaps not stating the truth when I referred to the opinion of Mr. Austin of New South Wales that seven-day baking in New South Wales would increase the price by 2c a unit. I was attempting to prove that bread would not increase in price here by more than that amount. I object to the statement that he did not make that comment, because it was reported that he did make it.

There is the implication that I want people to work longer hours, but that is not so; however, I did expect people to work staggered hours. I referred in my second reading explanation to the situation in Tasmania and Victoria. My basic philosophy is that any market should be allowed to find its own level. This is, in fact, what has happened in Tasmania and Victoria. Although hours are unrestricted there, they do not, in fact, bake seven days a week: they bake when they believe there is sufficient demand. In Tasmania, five days a week is sufficient, and in Victoria six days a week is sufficient.

The Hon. Mr. Blevins referred to Whyalla, where there are unrestricted hours. They choose not to bake seven days a week there, and I believe that the market would find its own level here, too. I believe that the industry itself, in response to market demand, should be able to bake when it likes.

I turn now to the references to a rationalised industry. Actually, I prefer to call it a closed shop and a feather-bedded industry. It is obvious that they want to keep it that way. Really, it appears pointless for me to continue in my attempt to change the situation. In my second reading explanation I said that the Minister and Cabinet had agreed that there should be an extension of baking hours, but for some reason they quickly changed their minds. I conclude by pointing out what I pointed out in my second reading explanation: one person has been forgotten in this debate, except by me—the consumer.

The Hon. J. C. Burdett: I referred to the consumer.

The Hon. J. A. CARNIE: I am sorry. The consumer is prevented from enjoying a service available in some other States and most other countries. We have recently passed a Bill providing for saner shopping hours in South Australia, although the Bill does not go far enough.

The Hon. M. B. CAMERON: Mr. Acting President, I draw attention to the state of the Council.

The ACTING PRESIDENT (Hon. R. A. Geddes): A quorum is present. The Hon. Mr. Carnie.

The Hon. J. A. CARNIE: Before I was interrupted I was saying that the shopping hours legislation does not go far enough. It took many years to get rationalisation in this respect, and I do not believe that we have seen the end of the issue either in respect of shopping hours or in respect of baking hours. One day, perhaps next year or in 10 years time, we will see this service provided for South Australians. I plead with honourable members to reconsider their position and to support the Bill.

Second reading negatived.

MINORS (CONSENT TO MEDICAL AND DENTAL TREATMENT) BILL

Adjourned debate on second reading.

(Continued from November 29. Page 1039.)

The Hon. ANNE LEVY: I thank the Hon. Mr. DeGaris and the Hon. Mr. Burdett for saying that my Bill has merit. I point out to the Hon. Mr. DeGaris, regarding something that he said, that provisions for the treatment of emergencies are in no way affected by this Bill, as is clearly stated in clause 3 (3). Furthermore, the suggestion by the Hon. Mr. DeGaris that perhaps matters such as the donation of tissues and organs, transplants, and artificial insemination should be considered by this Bill is quite irrelevant to the purposes of this Bill. If there are ambiguities in the law relating to those matters, perhaps further legislation should be considered to deal with them. I shall be glad to consider any Bill that the Leader may like to bring forward, but such matters are quite different from those in the Bill before us.

The Hon. J. C. Burdett: They could relate to minors.

The Hon. ANNE LEVY: They could, but there is nothing in the Bill relating to adults, and surely, if there are ambiguities in law in those areas, they should be treated as a separate matter and not brought into this Bill, which is specifically concerned with minors. Ambiguities would not be cleared up in this Bill, which relates only to minors, and I feel that any attempt to include them in the Bill would be opening up new areas and could only be regarded as a delaying tactic in the implementation of this Bill. I was pleased to hear the Hon. Mr. Burdett agree with me that the law is confused in this area. He quoted from an expert, also quoted by me, who appears to take a sensible and rational view of the legal situation, but he admits that not all legal experts are of the same opinion. I am indeed glad he agrees with the principle of the Bill.

The Hon. Mr. Burdett said that my Bill could refer to procedures such as contraception, abortion, surgery to implant breast tissue, etc.; I point out that it also applies to vasectomies, prostate operations, and circumcision. It is perhaps interesting to wonder why the Hon. Mr. Burdett refers only to specifically female procedures, and not to specifically male ones, which are just as relevant to this Bill as those he singles out. I point out, too, that there is

nothing in the Bill to say that young people can decide these matters entirely by themselves: they must be recommended by a doctor, who, after all, always uses his judgment as to whether certain treatment is necessary. A doctor is no more likely to be talked into performing an unnecessary procedure for a minor than for an adult—in fact, less so, I submit. Furthermore, in suggesting that minors may be talked into treatment they do not really want, I point out that not only is this a serious reflection on the medical and dental professions, suggesting that they act irresponsibly in determining the best treatment for patients, but also there is nothing mandatory about the Bill. There is nothing to prevent a medical or dental practitioner refusing to undertake treatment of a minor of a sensitive or moral nature without prior discussion and approval of the parents if he or she feels this is desirable. I think many would adopt this approach.

Furthermore, I do not think it is logical to suggest that minors are any more likely than adults to be influenced by expert opinions. Most of us have little medical or dental knowledge with which to discuss our treatment with professionals; and indeed, with rising standards of education and greater scientific knowledge, it may well be that young people are better equipped for such discussion than are many of their elders in the community. I am glad to see that the Hon. Mr. Burdett agrees that medical (and, I presume, dental) practitioners go to great lengths to see that patients fully understand the treatment they are to have before they give consent, but I am afraid I must disagree with his simplistic interpretation of the giving of contraceptive advice to women. No responsible medical practitioner would give such advice or write a prescription for the pill without first undertaking a thorough pelvic examination. I can only suggest that lack of familiarity leads the Hon. Mr. Burdett to imply that no physical contact occurs between the medical practitioner and the patient seeking contraceptive advice. In such circumstances, the Bill is both relevant and necessary.

The Hon. Mr. Burdett also suggests perhaps subdividing medical and dental procedures into different categories, with different ages applying for the consent which will prevent the medical or dental practitioner being charged with assault. It does indeed sound like a draftsman's nightmare, as it is far from clear what are the two categories he wishes to define; hence, achieving a legal definition will be well nigh impossible without having overlap between the categories. Furthermore, I think it is generally accepted that the age of 14 is the age at which responsible behaviour is expected. If I can quote from the standard text by Archbold, *Criminal Pleading, Evidence and Practice*, in the 29th edition (1976), at chapter 1, section 2, paragraph 30, the author states:

> The incapacity of children to commit crime ceases upon their attaining the age of 14 years, at which age they are presumed by law to be capable of distinguishing good from evil, and are, with respect to their criminal actions, subject to the same rule of construction as others of more mature age.

In other words, at the age of 14, the law presumes that minors unless proved otherwise can be held responsible for their actions. They can be charged with offences such as breaking and entering, and even murder, and only the procedure for dealing with the offender differs from that for adults. In this Bill, this responsibility is clearly applied to their consent to medical and dental procedures, which does not seem to be expecting anything of greater significance. It is compatible with the ability to accept responsibility for their actions in criminal matters.

Finally, both the Hon. Mr. DeGaris and the Hon. Mr. Burdett suggest that the Bill should go to a Select Committee. I do not wish to support this idea. It is not a hybrid Bill of the type which makes a Select Committee mandatory; nor is it a long complicated Bill of the type usually referred to a Select Committee. It is a short, clear and simple measure, and we have in this Chamber dealt with much more complicated Bills without referring them to Select Committees. I maintain that a Select Committee is quite unnecessary, and the arguments of the Hon. Mr. DeGaris and the Hon. Mr. Burdett have not convinced me otherwise.

In New South Wales, when this matter became law in 1970, it was but one clause in a long and difficult Bill —the Minors (Property and Contracts) Bill—which had 51 clauses in all. This matter, along with all that contained in the other 50 clauses, was considered by the New South Wales Parliament without being referred to a Select Committee. It seems absurd that the New South Wales Parliament can deal with a 51-clause Bill without a Select Committee while in South Australia it is suggested that a Select Committee is necessary for just one clause of the New South Wales legislation.

Bill read a second time.

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

That the Bill be referred to a Select Committee.

The Council divided on the motion:

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

Majority of 1 for the Ayes.

Motion thus carried.

The Council appointed a Select Committee consisting of the Hons. J. C. Burdett, J. A. Carnie, R. C. DeGaris, J. E. Dunford, Anne Levy, and C. J. Sumner; a quorum to be four members; the Chairman to have a deliberative vote only; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on February 8, 1978.

LICENSING ACT AMENDMENT BILL

In Committee.

(Continued from November 17. Page 873.)

Clause 2 passed.

Clause 3—"Limited restaurant licence."

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

Pages 1 and 2—Leave out new section 31a and insert the following new section in lieu thereof:

31a. (1) Every limited restaurant licence shall authorise the consumption of liquor—

(a) at any time on any day;

(b) in the premises specified in the licence; and

(c) with or ancillary to bona fide meals,

by persons who bring the liquor on to the premises for their own consumption.

(2) A limited restaurant licence shall be subject to—

(a) a condition limiting, by reference to a scale fixed by the Commissioner for Consumer Affairs, the corkage or other charges that may be made by the holder of the licence in respect of liquor consumed, or to be consumed, on the licensed premises; and

(b) such other conditions as the court thinks fit and

specifies in the licence.

(3) Where the court is satisfied on the application of the Superintendent of Licensed Premises (which may be made *ex parte)* that there is reasonable cause to believe that the holder of a limited restaurant licence has sold liquor in contravention of the provisions of this Act, it may order the licensee to appear before the court to show cause why his licence should not be cancelled.

(4) Where—

(a) a licensee fails to appear before the court in obedience to an order under subsection (3) of this section;

or

(b) the court, after hearing the Superintendent of Licensed Premises and the licensee, is satisfied on the balance of probabilities that the licensee has sold liquor in contravention of the provisions of this Act,

the court shall, unless it is satisfied that adequate grounds of excuse or mitigation exist, cancel the licence.

This amendment is a redraft of new section 31a which is sought to be inserted in the Act by clause 3. My amendment contains a number of the things that are currently referred to in the proposed section 31a of the Bill, but makes some changes. First, it deletes the requirements contained in section 31a (1) *(b)* of the original measure. I hinted at the reasons for this deletion in my second reading speech. It was considered that the provisions of this licence should apply only to liquor actually brought on to restaurant premises and that a restaurant patron should not be able to ask the proprietor to purchase liquor for him. My colleagues and I considered that if this practice was permitted the new licence would be left open to abuse. For that reason, that proposal has been deleted in my amendment.

The second matter with which my amendment deals relates to the limiting of corkage and other charges, which, in the Hon. Mr. Carnie's original proposal, was vested in the Licensing Court. My proposal is that these be fixed by the Commissioner for Consumer Affairs, so that the intention of having a limit on corkage charges is retained, but I felt that this was better handled by the Commissioner, who would be more expert in dealing with matters of this kind.

The CHAIRMAN: Has the honourable member considered whether he should provide a definition of "corkage"?

The Hon. C. J. SUMNER: No, and I do not think the Hon. Mr. Carnie has considered it, either.

The CHAIRMAN: It is a rather unusual word and could cover many things.

The Hon. J. A. CARNIE: I queried this with the Parliamentary Counsel, who assured me that the meaning was clear and that it would be acceptable in law.

The Hon. C. J. SUMNER: I do not know of any legal definition, but in common parlance it means removing a cork from a bottle. I suppose there could be difficulty if a person took a cork out before he entered the restaurant.

The CHAIRMAN: That is why I suggest that it must need to be defined. "Corkage" must relate to doing something with the cork. However, I have raised the matter and that is all I intend to do.

The Hon. C. J. SUMNER: The clause refers to "corkage or other charges". Therefore, it could mean that, in specifying what is to be limited, the Commissioner could set out what the limitation on price covers.

The CHAIRMAN: I have in mind, if it refers to the removal of the cork, whether the client is liable if he removes the cork.

The Hon. Jessie Cooper: It does not mean removal of the cork at all.

The Hon. J. A. Carnie: I think it is also covered by the words "or other charges".

The Hon. C. J. SUMNER: I may be able to give some thought to that. The third matter that the redrafted new section 31a (3) deals with is that it provides a procedure for the revocation of a licence, and that is to overcome problems that have occurred in other States by abuses that may arise and the problem of the restaurateur's selling the liquor. If he did that, he could be in unfair competition with established liquor outlets, and it would defeat the purpose of the legislation. As this problem was thought to be a special one, it was thought that the Superintendent of Licensed Premises ought to have the special powers in new subsections (3) and (4). It is important that abuses be controlled strictly, and that special power is given to the Superintendent for that reason. Apart from that, the proposal in my new section 31a is similar to that provided by the Hon. Mr. Carnie. His provision has been redrafted.

The Hon. J. A. CARNIE: In my second reading speech, I referred particularly to the matter of asking people in a restaurant to go out and buy liquor for patrons. As I pointed out, it was done that way in Victoria to stop sly grogging, to use a common phrase, and to prevent holders of these licences from selling liquor. I was not completely pleased about the way the provision was drafted originally, and the Hon. Mr. Sumner's suggestion tightens it up. It is important that, if we are to have bring-your-own restaurants, they should not sell liquor, and I accept the amendment. Also, I have no objection to the reference to the Commissioner for Consumer Affairs regarding corkage.

The Hon. JESSIE COOPER: I was interested in the discussion on corkage, because, as far as I knew from experience, corkage did not relate to the act of drawing a cork from a bottle, or anything like that. It was a charge on the bottle and on the cork. The *Oxford Dictionary* gives the following definition of "corkage":

> The corking or uncorking of bottles: hence a charge made by hotelkeepers, waiters, etc., for every bottle of wine or other liquor uncorked and served, orig. when not supplied by themselves.

The thing that we are talking about is corkage money and that is referred to in the definition that I have just read. The word has an interesting history, and the definition continues:

> 1838 Sir F. Pollock *Remembrances* (1887) I. 119 Corkage money on the number of bottles opened was paid to the tavern. 1884 C. Rogers *Soc. Life Scotland* II. xiii. 312 The members used their own wine, allowing a 'corkage' to the innkeeper. 1887 *Pall Mall G.* 14 July 3/2 Even the waiters, in certain restaurants, levy a tax [on shippers of champagne] in the shape of 'corkage,' without which they may boycott a brand.

It has nothing to do with the act of uncorking; it is a charge. I was trying to say that it does not refer to the act of corking or uncorking on its own: it is a tax for the bringing in of a bottle corked or uncorked.

The Hon. C. J. SUMNER: I concede the point made by the honourable member.

Amendment carried; clause as amended passed.

Clause 4—"Licence fees."

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

> Page 2, line 15—Leave out paragraph *(ca)* and insert paragraph as follows:
>
> *(ca)* for a limited restaurant licence—a fee of not less than fifty dollars and not more than two hundred dollars fixed by the court;

This amendment provides for the licence fee to be not less than $50 and not more than $200 thereby giving the court

greater flexibility in its scale of charges. There should be some flexibility in the charge levied to distinguish between large and elaborate restaurants and smaller and less elaborate restaurants.

The Hon. J. A. CARNIE: The Superintendent of Licensed Premises advised me that an anomaly would be created in respect of reception houses and certain club licences if some businesses paid $200 and others paid only $50 in fees. I accept the amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

New clause 5a—"Suspension of licence."

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

After clause 5, insert new clause as follows:

5a. Section 86b of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) The court may—

(a) on the application of—

(i) the Superintendent of Licensed Premises;

or

(ii) the licensee,

or

(b) of its own motion, suspend the operation of a licence for such period as it thinks fit.

It is consequential on clause 3 and the insertion of new section 31a. Section 86b provides for the suspension of a licence, but it provides that the court may upon the application of a licensed person or of its own motion suspend the operation of a licence for such a period as it thinks fit. This amendment allows the Superintendent of Licensed Premises to apply for the suspension of a licence in certain circumstances.

The Hon. J. A. CARNIE: I accept the new clause.

New clause inserted.

Clause 6 passed.

New clause 7—"Penalty for carrying liquor from licensed premises."

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

After clause 6, insert new clause as follows:

7. Section 171 of the principal Act is amended—

(a) by striking out the word "or" between paragraphs *(a)* and *(b)* of subsection (5); and

(b) by inserting after paragraph *(b)* the following paragraph:

or

(c) a person who brings liquor onto premises, in respect of which a restaurant licence or a limited restaurant licence is in force, for the purpose of consuming the liquor with or ancillary to a *bona fide* meal from taking any portion of that liquor that remains unconsumed from those premises.

This new clause arises from the doubts I expressed during the second reading debate on whether or not an offence would be committed by a person who brought liquor to premises for consumption and then tried to take away from the premises the unconsumed liquor. The penalties for that are prescribed in section 171 of the principal Act.

This measure seeks to amend that Act by making it clear that a person who brings liquor on to premises in respect of which there is a restaurant licence or a limited restaurant licence in force, for the purpose of consuming that liquor in accordance with the conditions of that licence, may take from the licensed premises that portion of the liquor that remains unconsumed. It seems entirely reasonable that a person should be able to take all unconsumed liquor from the premises, otherwise we would be encouraging people to drink all the liquor they brought in, which they perhaps did not wish to do. A difficult situation could be provoked if a consumer was unable to take off the balance of unconsumed liquor. Under the present law, I believe that there may be some doubt about that situation.

The CHAIRMAN: It is a question of property rights; that would be with the people who brought the liquor on to the premises.

The Hon. C. J. SUMNER: Even though the person may have property in the liquor, he may commit an offence if he took liquor off the premises.

The CHAIRMAN: That is a different kettle of fish. Surely the property does not pass with the licence to the licensee.

The Hon. C. J. SUMNER: How does that conflict with what this amendment is trying to do?

The CHAIRMAN: I am not querying the amendment; I am looking at the rationale behind it.

The Hon. C. J. SUMNER: That is another argument; the property in the liquor would pass in an ordinary licence situation if the sale was conducted on the licensed premises; that does not mean that people are entitled to take it off the premises in contravention of a licence, outside hours. This is designed to ensure that problems like that do not arise.

The Hon. J. A. CARNIE: I accept this amendment and thank the Hon. Mr. Sumner for pointing it out. It was not my intention that people who took liquor to a licensed restaurant would not be allowed to take any unconsumed liquor away. This was an oversight in drafting the Bill. The amendment proposed by Mr. Sumner clarifies the point. I accept it.

New clause inserted.

Title passed.

Bill read a third time and passed.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 29. Page 1034.)

The Hon. D. H. LAIDLAW: I rise to support the second reading of this Bill, the main object of which is to increase the powers of the Prices Commissioner, so that the Bill can pass to the Committee stage, where I shall support the amendments moved by the Hon. John Burdett. I object particularly to the provisions of clause 5 of this amending Bill. Hitherto, the Prices Commissioner could only investigate the operations of a business after complaint by a customer, but it is proposed that in future he should be able to initiate his own inquiries. To grant such powers is undesirable.

The Government, for example, intends to provide the South Australian Industries Assistance Corporation with sufficient funds so that it can purchase up to $1 000 000 in shares in any public or private company. Once the Government has gained a foothold in an industry, an acquisitive Minister could instruct the Prices Commissioner to investigate the records of various competitors, on the pretext that its prices are unacceptable. By this device, the Government sponsored company could quickly destroy its competitors.

Instead of extending its scope, I believe that the Prices Department should concentrate on gaining a better understanding of the many and diverse products which come within its control and of the problems facing manufacturers during periods of rapid inflation. It must be

remembered that South Australia is the only State to have maintained an active system of price control since the Commonwealth was forced to vacate this field some 30 years ago. During this period it has acquired responsibility for such items as meat pies and pasties, superphosphate, women's foundation garments, stone, sand and gravel, men's felt hats, coloured chalk and pencils, gelignite, men's haircuts, rubber tyres and tubes and ankle length wedding wear. In addition, other basic products such as cement, are not proclaimed but, by agreement, no change is made in price without reference to the Prices Commissioner.

Many executives in the private sector are convinced that the Prices Commission exercises profit control rather than price control, and that this policy originated before the Labor Party came to power in 1965. I have been involved with several companies whose products are subject to price control, and I have heard executives say on occasions that there is little point in outlaying capital to buy new plant because, if economies are achieved, the company concerned will not be allowed to retain the benefits.

The Prices Commission should adopt a more sophisticated approach because it is quite essential to achieve greater productivity within South Australian industry. It is hard to fathom the reasoning behind some of the decisions given by the Prices Commissioner. With some commodities the price in South Australia is higher than that applying in other States, whilst with others it is far below.

I believe that the South Australian Prices Commissioner, perhaps upon instructions from his Minister, has declined generally to concede a margin of profit when adjusting prices during the inflationary period of the past few years. For the sake of economic development in South Australia, this attitude must change. If we retain price control in South Australia, let us aim to keep South Australian prices slightly below those in Melbourne and Sydney, but do not take advantage of a local company which happens to be highly efficient and can sell more cheaply than its interstate competitors.

In contrast, the Prices Justification Tribunal, which was set up by the Federal Government in 1973 and now confines itself to products of companies with sales in excess of $30 000 000 a year, in its initial stage restricted price movements to demonstrable rises in cost of production without adding a percentage for profit. Recently it has recognised that companies, in order to expand, must be permitted to increase profits roughly in line with movements in the consumer price index. I wish that the South Australian Commissioner for Consumer Affairs would act in the same manner. I oppose the provisions in clause 5 which purport to extend the Commissioner's powers to pry into all facets of industry and commerce in South Australia. I shall support the amendments fore-shadowed by the Hon. Mr. Burdett.

The Hon. T. M. CASEY (Minister of Lands): As the matters raised by honourable members will be discussed in Committee when relevant amendments are moved, I will not reply to those matters at this stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

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

Page 1, lines 16 to 18—Leave out all words in these lines.

The effect of my amendment is to prevent the definition of "consumer" from being extended to include a purchaser of land. I understand that the effect of including the purchaser of land as a consumer is to permit such a transaction to be investigated by the Commissioner for Consumer Affairs. I realise that this would not involve the control of land prices. The Land and Business Agents Act has set up a complete code of protection for purchasers of land. There is a disciplinary body, the Land and Business Agents Board, to which complaints may be brought.

The Commissioner's powers of investigation are properly extensive in appropriate cases. Section 8 of the principal Act confers wide powers in connection with access to books, putting questions, and having questions answered. In regard to the purchase of land, these powers of the Commissioner are not necessary, because appropriate protection is already provided in the Land and Business Agents Act. I understand that some hundreds of inquiries have been made to the department concerning the purchase of land, but many of those inquiries related to such matters as the amount of stamp duty. I see no reason why the department cannot, without the definition of "consumer" at present in the Bill, answer such queries as that.

The Hon. T. M. CASEY (Minister of Lands): Paragraph *(b)* of the proposed new definition of "consumer" is designed to include the purchaser of land as a consumer for the purpose of the consumer affairs provisions of the Prices Act, so that the Commissioner for Consumer Affairs may investigate matters involving such purchases and give purchasers the same assistance as he can presently give purchasers of goods and services. This definition is relevant only to the consumer affairs provisions of the legislation, and it has no effect on price control. I think the Hon. Mr. Burdett referred to that point. There have been an increasing number of complaints and inquiries from purchasers of land and houses, and the Commissioner is presently not able to deal with these with the full statutory backing of his office.

The purchase of a house not only involves a larger sum than a purchase of goods or services but also is usually far more complex and, therefore, it is one for which a person is in far greater need of assistance. It is ludicrous to assist a person who buys, say, a pair of shoes but not a person who buys a house or land. Under the Land and Business Agents Act, people can go to the board only if they have a complaint regarding the conduct of an agent. I think the Hon. Mr. Burdett would agree with that. However, many complaints lodged with the Commissioner for Consumer Affairs relate to contracts, etc. If we do not give the Commissioner the power to investigate these matters, his hands are tied. Purchasers of land should therefore be included in the definition of "consumer". The purchase of a house and land is probably the most costly purchase that anyone makes in his lifetime. Therefore, people having problems in this connection should be able to go to the Commissioner, who will, if necessary, act on their behalf. I therefore oppose the amendment.

The Hon. C. M. HILL: I cannot accept the Minister's explanation that people go to the Land and Business Agents Board simply to lodge complaints concerning the conduct of agents. We are not dealing with a black-and-white area here. People go to the board in connection with many matters relevant to real estate transactions. At times representations of people naturally involve the conduct of agents but sometimes aspects of a contract and the house or land are discussed with the board or its investigators.

Is the Minister dissatisfied with the manner in which the board and its investigators operate? From the information I have, I believe that they do their job very well. In the main, people who lodge complaints are satisfied with what the investigation brings forth. The Minister's proposal involves an unnecessary duplication of function. I am not against a consumer having the right to lodge a complaint, but purchasers of houses and land have that opportunity

now. I therefore support the amendment.

The Hon. J. C. BURDETT: The Minister suggested that land should be deemed to be goods for the purposes of this Act. I am not criticising the terminology; that is really what this Bill does. However, I suggest that in legal concept goods and chattels, on the one hand, and land, on the other, are different and have always been dealt with differently. The law has always been fundamentally designed to deal with that situation.

The Hon. T. M. CASEY: I do not agree with what the Hon. Mr. Burdett is getting at but we have over the past decade seen a change in land transactions from what they were previously. We have many more complaints today then ever before about land transactions, so I think it is high time we looked at this problem. I have been mixed up in land transactions and know how complicated they can be.

The Hon. Mr. Hill has asked me whether I am satisfied with the present set-up with the Land and Business Agents Board. I am satisfied, but I do not think it should do any investigating. I do not think the board is competent to investigate to the same extent as is the Commissioner for Consumer Affairs. It is possible, but it is not set up to do this. People outside who are probably not land agents and who develop the whole properties themselves would not come under the Land and Business Agents legislation.

The Hon. C. M. Hill: They must be licensed themselves.

The Hon. T. M. CASEY: Possibly, they come outside the ambit of the board, but now, if we want to put something on a piece of land, we cannot put it there unless we have the land. For instance, the Hon. Mr. Dawkins may want to run sheep. If he has not the land to put them on, it is no use his buying the sheep; he still has to have land on which to put them himself or agist them. We cannot have one without the other. Therefore, why differentiate between goods and land?

The Land and Business Agents Board is the body set up to counter this but I do not think it can do the job satisfactorily for the consuming public, which wants something more; it wants the Commissioner for Consumer Affairs to investigate. It is not duplicated at all; it is going into areas that the Land and Business Agents Board cannot go into. People today should be protected as far as possible. Land transactions can be very complicated and people are entitled to protection. The only way to get full protection is through the Commissioner for Consumer Affairs.

The Hon. C. M. HILL: I must make the point that, if the Land and Business Agents Board needs to investigate and wants more staff than it has at the moment, surely it can employ them. The Attorney-General's Department has a number of investigators for company and other kinds of investigation. If the staff cannot be employed by the board for further inquiries that the board may find some difficulty in pursuing, there is no need to open up another Act to overcome that problem; it can merely employ more investigators and get them to do the job.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the amendment to be considered by another place, I give my casting vote for the Ayes.

Amendment thus carried.

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

> Lines 23 and 24—Leave out "otherwise than" and insert "for the purpose of purchasing goods where the purchase is otherwise than for the purpose of resale or letting on hire or".

The effect of the Bill is to extend the definition of "consumer" to the borrower of money except for the purpose of trading or carrying on business. The purpose of the amendment is to restrict the definition to where it now stands, namely, the borrower of money is included only as a consumer where the borrowing of that money is for the purpose of the purchase of goods.

This is in line with the first amendment that related to land. The Prices Act relates to goods and, where the money is borrowed for the purpose of purchasing goods, it is fair enough that the borrower should be deemed to be a consumer.

The CHAIRMAN: Is this a consequential amendment?

The Hon. J. C. BURDETT: No, it is a different matter. It relates to the borrowing of money, whereas the other amendment related to land. The reasons are much the same: as with land, so with the borrowing of money. It is only when the money is to be used for the purpose of purchasing goods that the Prices Act should apply.

The Hon. T. M. CASEY: This amendment would restrict the definition of "consumer" so that a person borrrowing money would be regarded as a consumer and able to seek the Commissioner's help only if he intended to use the borrowed money to purchase goods. This would exclude a person who borrowed money for purchasing a house or land, or for acquiring services. The Commissioner is charged with the administration of the Consumer Credit Act and should have the statutory powers under the Prices Act to deal with all borrowing transactions, regardless of the purpose for which the money was required. So, the honourable member is not giving him any power with regard to borrowing money to buy, say, a house.

The Hon. J. C. Burdett: I am leaving it where it is now .

The Hon. T. M. CASEY: A person may borrow money for several purposes, but it would be ludicrous if the Commissioner had power to deal with only part of a transaction and not all of it. For that reason, I cannot accept the amendment.

Amendment carried; clause as amended passed.

Clauses 3 and 4 passed.

Clause 5—"Functions and powers of the Commissioner."

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

> Page 2, lines 18 to 21—Leave out all words in these lines.

I canvassed this matter in my second reading speech, as did other honourable members, notably the Hon. Mr. Hill and the Hon. Mr. Laidlaw. If these words are struck out, the effect of the Bill will be that in future the Commissioner will be able to act not only on complaint, as he can now, but also otherwise.

The Hon. R. C. DeGaris: Of his own volition.

The Hon. J. C. BURDETT: That is so. It could be that one of his officers had overheard a complaint in a hotel or in the street, or it could be because the Minister had directed him to conduct a certain investigation. The investigatory powers are wide indeed, including a power to have access to any books and papers, to ask any questions, or to require persons to attend to answer questions on oath or otherwise.

The Hon. Mr. Hill has not suggested that the present Government would do this. However, a Government could use this power of investigation for any purpose at all,

because the Commissioner might act whether on complaint or otherwise. It could involve a real Big Brother attitude. I think the member for Kavel in another place referred to it as making the Commissioner a "super snoop", and that is about what it will do. I do not object to the Commissioner's having wide powers when someone has made a complaint. However, this power could be used oppressively. I have therefore moved my amendment.

The Hon. T. M. CASEY: The Hon. Mr. Burdett's amendment involves the deletion of paragraph *(a)*, which is designed to give the Commissioner for Consumer Affairs power to investigate matters that are within his jurisdiction regardless of whether a complaint has been received. The Commissioner may receive one complaint and, in the course of investigation of it, may discover some malpractice that affects a large number of consumers. Once the malpractice is discovered, the Commissioner should have power to investigate the whole matter rather than only the one complained of. I think the Hon. Mr. Burdett would agree with that.

There are also many situations where it is undesirable for the Commissioner to have to sit back and wait for a complaint to be received. For example, the Commissioner may become aware of an advertisement that he considers may be contravening the provisions of the Unfair Advertising Act; he should be able to investigate such a matter before a complaint is received. Early action by the Commissioner in such cases may prevent a large number of complaints subsequently being received, and a large number of consumers possibly being prejudiced or disadvantaged. I cannot therefore accept the amendment.

Amendment carried.

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

Page 2, lines 25 to 43—Leave out all words in these lines.

This is a consequential amendment, which relates to the matter of complaints.

Amendment carried.

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

Page 3—Line 8—Leave out ", defend or assume the conduct of" and insert "or defend".

Lines 12 and 13—Leave out ", defending or assuming the conduct of" and insert "or defending".

Lines 17 and 18—Leave out ", defending or assuming the conduct of" and insert "or defending".

These amendments are designed to bring the matter back to where it now stands. The Commissioner may, in the conduct of a case, institute proceedings and defend where initially he was instructed or requested by the consumer to do so. That is as it should be.

The purpose of this part of the Bill is to enable the Commissioner to take over the conduct of proceedings already instituted, or to take over the defence of an action where the consumer has already entered a defence. I contend that it is often difficult for the supplier, who must at his own expense engage counsel, obtain legal advice and institute proceedings, when he has on the other side counsel engaged by the Commissioner and with the Commissioner conducting proceedings, usually very well.

Admittedly, the consumer is in a less advantageous position than is the supplier. It is fair enough that, when the consumer considers that he needs assistance, and asks the Commissioner to institute proceedings on his behalf, that should be done. The same applies to defending proceedings. Because the process can be oppressive on the supplier, the consumer should elect at the outset whether he wants the Commissioner to act for him, whether he wants to act for himself, or whether he wants to obtain legal representation. Because I think he should opt to do any one of those things at the outset, I have moved the amendment.

The Hon. T. M. CASEY: As the Hon. Mr. Burdett has said, all these amendments relate to the question of representation by the Commissioner for Consumer Affairs on behalf of a consumer in civil proceedings. At present, the Commissioner may institute or defend such proceedings but may not assume the conduct of proceedings already instituted by a consumer. A consumer may take out a summons himself and may subsequently find the matter to be more complicated than he realised, or may find that additional issues are raised against him by a defence or counterclaim.

This is the point that concerns me, because legal matters can become complicated, as the honourable member, being a lawyer, knows. Many people have been placed in this unfortunate situation. In these cases, it is necessary for the Commissioner to have the same power to assist that consumer as he would have had if the consumer had come to him before issuing the proceedings. The honourable member has said that the person should have come to the Commissioner previously. All I am saying is that the consumer, in all sincerity, may think that he can take out a summons and that everything will be all right, and then he may find himself in complicated legal proceedings. He goes to the Commissioner, who tells him that he is in real trouble and that the Commissioner will take up his case for him. I think that is fair enough. In all cases of representation by the Commissioner, the consent of the consumer is required. Justice would be denied if a person was refused the advice of the Commissioner and if the Commissioner did not have the right to take over the case. I ask the Committee not to accept the amendments.

The Hon. J. C. BURDETT: The Minister was wrong when he stated that, in a case where a person had issued a summons himself and found that there was a counterclaim against him, resulting in his being involved in a complicated legal case, that person had only one course, namely, to go to the Commissioner. The person could go to a lawyer. Furthermore, he could get legal aid, which in that case would be a proper course. The Government is providing for a Legal Services Commission and, whilst that is not in operation yet, it will be a substantial way in which to get assistance. The present provisions are proper where a person has gone to the Commissioner with his consumer problem. However, if, in subsequent proceedings, the person finds that he has a legal problem, he would go to the Legal Services Commission.

Amendments carried; clause as amended passed.

Clause 6—"Repeal of s. 53 of principal Act."

The CHAIRMAN: The Hon. Mr. Burdett is suggesting an alternative clause. It will be a matter of voting against the existing clause, with a view to inserting a new clause.

The Hon. J. C. BURDETT: The new clause that I propose probably is the most important amendment. The Bill takes out the provision for the annual review of the price-fixing portions of the Act. From 1948 until now, Parliament has renewed the price-fixing provisions each year. The purpose of the Bill is to make those provisions a permanent part of the Statute, so that there will be no need to have them renewed by Parliament.

As I stated in the second reading debate, price-fixing power is extremely wide, enabling the Government to control the economy fo the State. That has not been done so far: the power has been used moderately, as we have seen from the list that the Hon. Mr. Laidlaw has read. The power has not been applied oppressively because Bills have had to come before Parliament. For that reason, I oppose the clause.

The Hon. T. M. CASEY: As the Hon. Mr. Burdett has stated, this matter has been coming before Parliament since 1948. It seems to me that price control under the Act

has worked satisfactorily for 29 years, and the Government considers it a waste of time to bring Bills before Parliament each year for renewal. For those reasons, I cannot accept the new clause.

The Hon. R. C. DeGARIS: This Act has been under annual review, and it is one that is worthy to come before Parliament each year. As the Hon. Mr. Burdett has said, the Prices Act is fundamental to the whole State. It can be used to control the whole economy of South Australia. I do not think that it does any harm to allow Parliament to examine the matter each year.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Cameron.

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

Clause thus negatived.

New clause 6—"Cessation of effect of certain provisions."

The Hon. J. C. BURDETT moved:

Page 3—Insert clause as follows:

6. Section 53 of the principal Act is amended by striking out the passage "1977" and inserting in lieu thereof the passage "1978".

New clause inserted.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.46 p.m. the Council adjourned until Tuesday, December 6, at 2.15 p.m.