LEGISLATIVE COUNCIL

Wednesday 8 November 1978

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

OVERSEAS STUDY TOUR REPORT

The PRESIDENT laid on the table the report by the Hon. J. R. Cornwall on his overseas study tour concerning health care, delivery and finance.

QUESTIONS

BOAT INSPECTIONS

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking the Minister representing the Minister of Marine a question about the seaworthiness of boats.

Leave granted.

The Hon. R. C. DeGARIS: A report in yesterday's newspaper stated that the Coroner, Mr. K. B. Ahern, had recommended that boats should be inspected regularly for seaworthiness. Mr. Ahern was giving his findings on the death of Allan Trevor Durwood, 44, of Lewis Street, South Brighton, who drowned after his boat was holed and sank on 31 August 1978. The Coroner also said that the bottom of the vessel had been in poor condition, as was shown by a sample of wood produced in court. As the Government has moved in the area of registration of boats, will the Minister ascertain whether, following the recent coronial finding, it now intends to take further action regarding the annual inspection of boats for seaworthiness?

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

SAMCOR

The Hon. M. B. DAWKINS: I seek leave to make a brief statement before asking the Minister of Agriculture a question about Samcor.

Leave granted.

The Hon. M. B. DAWKINS: Having had a brief opportunity to peruse Mr. Ian Gray's report on the operation of Samcor during the past 12 months, I notice in the early part of the report a reference to some of the difficulties experienced by the Samcor board. The report refers to the live sheep dispute and the consequent decline in trade kill orders, and to the break in the weather. Every honourable member who has had any experience in primary production would realise that, after a break in the weather and a reduction in stock numbers, with improved feed prospects, stock would be held, and of course this was a contributing factor. The Chairman also said:

> Livestock availability was extremely low and much of Adelaide's meat supply had to be provided from interstate.

I realise that that is the case, but I wonder whether the Minister realises that this low availability was not all because of the prevailing conditions to which I have just referred and that a large amount of the meat had to be obtained from interstate because of the very large increases in costs at Samcor in recent years which really, in effect, drove some people away from that facility and which made it more economical in many instances to purchase stock in South Australia and transport it interstate for processing, rather than endure Samcor's high charges, which, as I say, I believe are a contributing factor. Does the Minister believe that to be the case?

The Hon. B. A. CHATTERTON: What the honourable member has failed to mention is the fact that the report I tabled yesterday applied to the 1977-78 financial year. Subsequently, there have been considerable changes at Samcor. The Australian Meat Industry Employees Union has given Samcor an increase in productivity without an increase in wages, and that, together with changes in the number of staff and changes in the standards of inspection of locally killed meat, have enabled the board to lower charges considerably at Samcor. At present, Samcor charges are very competitive with those of abattoirs interstate and, because of this competitive position, it has been able to regain many clients, as well as a considerable share of the kill in South Australia. I believe that the changes that have been implemented in the past few months will have an impact on the financial situation at Samcor over the next few years.

We cannot expect those changes to have a great impact during the 1978-79 financial year because stock shortages will still continue. Even if Samcor recovers a bigger share of the kill, it still will not be working at full capacity during this financial year, but we expect the full effects of those productivity changes and production increases to be felt in 1979.

The Hon. M. B. DAWKINS: I do not wish to appear to be unduly critical of Samcor: I am merely trying to obtain some answers to these questions. I agree that the economies that have been effected (I have been in a fortunate enough position to ascertain what they are) will influence the position in the current financial year and probably the following financial year, rather than having any influence on the past financial year. However, the report traces the history of Samcor and refers to the Metropolitan and Export Abattoirs Act, which was repealed by the South Australian Meat Corporation Act in 1972 under which a new board was appointed.

The new board comprised new members who had considerable expertise, in some cases, in the business world but who were inexperienced in running a service works. Without wishing to reflect in any way on the personnel of the new board, whom I hold in high regard, I ask the Minister whether he does not agree that, with hindsight, it might have been advisable to include as members of the new board two or three members of the old board whose experience could have been of great value to the present board and who did such a good job in the late 1960's and early 1970's.

The Hon. B. A. CHATTERTON: I believe that one member of the board was a member of the previous board, so it was not a completely clean sweep. I can best summarise the situation by quoting the results that the board achieved in its first three years of operation. In its first year of operation it lost about $525 000, in the second year it lost about $218 000, and in the third year it made a profit of about $6 000. While the honourable member has criticised the fact that it was a completely new board, in its first three years of operation it tackled the problem substantially, and turned a loss of about $500 000 into a slight profit.

However, since then we have seen a substantial deterioration in the situation, caused largely by the unfavourable seasonal conditions experienced in South Australia. We have seen, since the $6 000 profit was made by Samcor, a $1 800 000 loss and the recent loss of just over $4 000 000.

MICROWAVE OVENS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Health a question regarding microwave ovens, regarding which the Minister replied yesterday to a question asked previously by the Hon. Mr. Sumner.

Leave granted.

The Hon. N. K. FOSTER: Because of the nature of the Minister's reply yesterday to the Hon. Mr. Sumner's question, the only real opportunity I have had to examine it was by reading it in this morning's *Hansard* proofs. Concern has been expressed regarding the types of microwave oven that have been on sale in South Australia for two or three years, it having been suggested that these microwave ovens have been rejected by retail authorities in America. Other countries have succeeded in having such ovens declared as unfit for sale to the general public. I was therefore interested in the reply given to the Hon. Mr. Sumner's question, to which I should like to refer before asking my question. Part of that reply was as follows:

> Regarding the giving of advice to microwave oven purchasers, a cross-section of major retailers have been checked to ascertain the depth of advice given to purchasers of microwave ovens. Although at one time a copy of the National Health and Medical Research Council's *Guidelines for Safe Practices in the Use of Microwave Ovens in Heating Food* was made available with each new oven purchased, retailers claim that this affected their sales and the practice was discontinued. Advice currently given to purchasers is limited to that contained in the manufacturer's instruction book. Whenever ovens are tested by officers of the South Australian Health Commission, a copy of the National Health and Medical Research Council guidelines is issued. The National Health and Medical Research Council has now published separately *Precautions in the Use of Microwave Ovens for Heating food*, a copy of which I have handed to the honourable member. Copies of this shorter document are being obtained, and attempts will then be made to have a copy issued with each new microwave oven sold.

I deplore the fact that people who stand to gain from the sale of these ovens and are influenced by profit motives are able to decide whether or not the public will be given cautionary notice or advice in relation to what can be a potentially fatal or lethal method of cooking food. I also deplore the fact that the industry confirms this.

My question is based on the latter part of the reply given by the Minister, who I know will appreciate my asking this question. I ask that, when the National Health and Medical Research Council's publication *Guidelines for Safe Practices in the Use of Microwave Ovens in Heating Food* is readily available, the retail industry be approached by the Health Department with the strongest possible insistence that every precaution be made known to purchasers and that the document by the National Health and Medical Research Council be made available.

The Hon. D. H. L. BANFIELD: The department intends to publicise the document to which the honourable member has referred when it is available. Departmental officers are continuing to negotiate with retailers and to ask them to include a copy thereof with each microwave oven that is sold.

The Hon. N. K. Foster: They should be told.

The Hon. D. H. L. BANFIELD: That is so, although at present this cannot be done by law. The department is negotiating with those involved and is obtaining co-operation from most of them.

The Hon. N. K. Foster: But that—

The Hon. D. H. L. BANFIELD: I know what the honourable member is getting at. We will try to be more insistent when supplies of the document to which he has referred are available. In addition, we will be giving it publicity ourselves, so that people will be made aware of the dangers of this type of oven before they purchase one. Every endeavour is being made to see that the warning is issued at the same time as the oven is sold.

The Hon. N. K. FOSTER: Will the Minister ensure that his department examines the possibility of reaching some understanding or obtaining some assurance—

The Hon. C. M. Hill: Or making it essential.

The Hon. N. K. FOSTER: I will come to that. I respect the Minister's viewpoint on this matter.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Will the Minister and his department approach the industry's retail sector in an endeavour to persuade it of the seriousness of the need for people to be made fully aware of all possible information regarding the purchase of microwave ovens, and will his department stress that the sale of the ovens is not the paramount aspect?

The Hon. D. H. L. BANFIELD: Yes. That was the position I was trying to get over to the honourable member. That is what is happening now. Later, we may have to accept the Hon. Mr. Hill's suggestion that we should coerce and take drastic action, but we have not had support from the Opposition in this area before. It is encouraging that the Opposition will now give us support, and we appreciate the Hon. Mr. Hill's suggestion, but we prefer to work in with the industry first. If we can get their co-operation, we will do that; if we cannot, we will take other steps to make sure the public is protected and made aware of the dangers of such ovens.

EMISSION CONTROLS

The Hon. C. M. HILL: Has the Minister of Lands a reply to my question of 24 October on emission controls? I asked about the present attitude of the Australian Transport Advisory Council toward the current controls on passenger vehicles. I also asked whether the Minister had had any research done in this State to endeavour to assess whether or not the controls that apply now have been effective.

The Hon. T. M. CASEY: First, the honourable member asked: what is the current opinion of the Australian Transport Advisory Council? The answer is: to continue with the implementation of the emission controls. Secondly, the honourable member asked: do all States agree with that opinion? The answer is: no. Thirdly, the honourable member asked: has full consideration been given to objections? The answer is: yes. Fourthly, the honourable member asked: does the Minister foresee any change in the requirements? The answer is: no. Fifthly, the honourable member asked: have any tests been undertaken in this State to ascertain the benefits? The answer is: monitoring of photochemical emissions is being carried out in this State. However, as the appropriate vehicle design rule has been in force only since 1976, the proportion of vehicles complying with emission controls is small, and no significant results can be expected at this time.

UNEMPLOYED TEACHERS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement before asking the Minister of Agriculture, representing the Minister of Education, a question on the employment of teachers.

Leave granted.

The Hon. D. H. LAIDLAW: Early this year Mr. Gregory, the President of the Institute of Teachers, published a four-point plan whereby the Government could absorb some of the 1 400 teachers at that time unemployed in South Australia, and I understand that the Government agreed to consider his proposals.

I have been told that there are still more than 1 000 unemployed teachers in this State. Therefore last week I was surprised to find that the Education Department still was interviewing teachers resident in other States in regard to their obtaining jobs in South Australia. The examples given do not relate to positions requiring special technical knowledge. I shall not name the persons involved.

Will the Minister ask the Minister of Education whether it is still Government policy to provide opportunities in the Education Department for teachers who live outside South Australia and, if it is, whether this practice can be stopped until most of the unemployed teachers residing locally have been provided with jobs?

The Hon. B. A. CHATTERTON: I will refer the question to my colleague and get a reply.

HEALTH FUNDS

The Hon. J. E. DUNFORD: I seek leave to make an explanation prior to asking a question of the Minister of Health about health funds.

Leave granted.

The Hon. J. E. DUNFORD: Last week a segment on the *Willesee at Seven* television programme referred to the health fund in New South Wales known as the Hospitals Contribution Fund, and the story related to a young married couple with a son of about 6 or 7 years who suffered from leukemia. The H.C.F. asked the parents to find other medical cover for the son and, when the Managing Director was interviewed subsequently, he gave as the reason for not wanting to pay and for telling the people to leave that fund and join another that they were paying for the cheapest possible benefits. If anyone became ill, that person had to leave the fund. It is like the bookmaker who is taking bets, and there are never any winners.

The Hon. R. C. DeGaris: What show was that?

The Hon. J. E. DUNFORD: It was on *Willesee at Seven.*

The Hon. R. A. Geddes: Leukemia is a permanent illness, more than just a sickness, isn't it?

The Hon. J. E. DUNFORD: It is not always a permanent illness. As a result of that segment, it came to light that several hundred people were also affected in this way. These people had paid into the fund for many years, before they were married and had children, but, as soon as someone got sick, the funds did not want to carry the people and meet their obligations. On television, the Managing Director defended his company's policy. In another programme two nights later, he said that he had met representatives of the Government and that they had made arrangements. I was pleased that both Houses of the Parliament in Canberra had agreed that this was a shocking situation, and that the Prime Minister and his Minister for Health had agreed that it would not occur again.

Other members know how much I have attacked this type of private enterprise, but this matter is the worst example that I have known. I want to ensure that it does not happen in South Australia and that people who honestly believe they are protected do not suffer the hurt and loss of being brushed aside because it is too expensive to be covered by a medical benefit fund. I think that every other member would be of the same opinion. Will the Minister get from the various organisations in South Australia that are offering health and medical protection assurances that people will not be denied benefits in circumstances similar to those that occurred in relation to the H.C.F. in New South Wales?

The Hon. D. H. L. BANFIELD: It must be distressing to everyone who has taken medical cover with the private funds to find that this sort of thing can even be thought about, let alone that it can be put into operation, because, after all, the sole purpose of people being covered for medical benefits is to ensure that such a situation does not arise. I was pleased to read in the press that a number of private funds in South Australia had stated publicly that they would not adopt that practice, but, as the honourable member has raised the matter, I will certainly take it up with the private funds in South Australia to get from them an assurance that they have no intention of putting the same procedure into operation in this State.

NUMBER PLATES

The Hon. J. A. CARNIE: Has the Minister of Lands a reply to the question I asked recently regarding number plates?

The Hon. T. M. CASEY: For many years an agreement has been in force among the Australian States to allocate registration numbers only from a specific section of the alphabet allocated to each State. Unlike some other States, the South Australian Government chose to honour that agreement and not introduce a scheme of personalised numbers for which there had been no apparent demand from the public in this State.

Whilst the previous scheme is preferable with respect to easier identification of vehicles and accuracy of recording of registrations, the Motor Registration Division, with the availability of a sophisticated computer system, is now more readily able to cope with this change.

The Government has, therefore, been flexible enough to acknowledge the success of similar schemes in other States, which has now prompted greater demand from the motoring public of South Australia. As an indication of that demand, I point out that some 900 applications to reserve numbers have been received by the Registrar of Motor Vehicles since the scheme was announced. This is something for which the Hon. Mr. Hill asked some time ago.

Members interjecting:

The PRESIDENT: Order! I ask honourable members to cease interjecting.

NEWSPAPER ADVERTISEMENT

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

Leave granted.

The Hon. N. K. FOSTER: I wish to draw the attention of the Council to an advertisement appearing in today's *Advertiser* under the heading "Have you got your high school certificate or are you leaving school with one?" The advertisement states:

YOUTH (MALE OR FEMALE)

We are an aggressively active company with diversified interests in commerce and industry in Australia. Due to the forthcoming opening of our South Australian office and factory, we wish to interview youths willing to learn many aspects of commerce and industry.

For further details and interview arrangements, please ring Mr. K. Smith on 227 9911.

I think most members would realise that the telephone number is that of the Government exchange, which I understand has had many calls today about the advertisement, which has proved to be a hoax. This is nothing for the Hon. Mr. Cameron to laugh about. If he was looking for a job, the situation would not be funny. Youths in search of a job have been ringing this number all morning, only to be disappointed, and this advertisement has caused much concern. I do not criticise the *Advertiser*, because this advertisement is not the first one that has come to my notice. I have discussed similar matters with the staff of the *Advertiser* previously and have been told that they try to ascertain the *bona fides* of people who place classified advertisements in that paper. For that reason I am surprised that such an advertisement with such an obvious phone number was printed, but I do not want to be more critical than that. Will the Minister bring this advertisement to the notice of the Editor of the *Advertiser* so that further inquiries can be made with a view to identifying people placing advertisements in that newspaper? Would the Minister also take the opportunity to approach other newspaper proprietors, including those connected with suburban newspapers, about these hoax advertisements, which can only do a great deal of injury to job hunters?

The Hon. D. H. L. BANFIELD: It is unfortunate that there are sadists in the community who will attempt to play a hoax on unsuspecting people whose hopes are raised about the possibility of obtaining a job. I do not think the Hon. Mr. Foster can blame the *Advertiser*, because the advertisement was probably accepted in good faith, but I will draw the advertisement to the attention of the *Advertiser* and other newspapers throughout South Australia to illustrate what is happening. I have no doubt that such advertisements will not be accepted in the future.

SAMCOR REPORT

The Hon. R. C. DeGARIS: As the Samcor Report has been tabled, could the Minister of Agriculture explain more fully the item "Meat and Offal Sales" (in 1978, about $13 700 000 and, in 1977, about $1 700 000)? On the reverse side of the ledger, we see, under "Purchase of Livestock and Offals", about $10 700 000 in 1978, and about $1 400 000 in 1978. The report states in note 3:

> During the year all joint venture stocks on hand at June 1977 were disposed and all ventures finalised and agreed between parties . . .

Can the Minister explain the meaning of note 3 more fully?

The Hon. B. A. CHATTERTON: I think the explanation is contained in the report, where it is stated that the Samcor board, in an attempt to utilise capacity and labour at Gepps Cross, purchased livestock to try to maintain throughput. The report states:

> In the year as a whole, Samcor provided 440 000 head of mutton and lamb kill and 38 000 head of beef.

I think that explains the purchases and sales for 1977-78 as compared with—

The Hon. R. C. DeGaris: I understand what you have said but that does not refer to joint ventures. Can you explain that?

The Hon. B. A. CHATTERTON: The joint ventures refer, I think, to some of the exports carried out by Samcor in co-operation with other exporters. That is my understanding of how the joint ventures took place.

FUEL RESOURCES

Adjourned debate on the motion of the Hon. R. C. DeGaris:

That a Select Committee be appointed to inquire into and report upon:

1. Action that could be taken (including legislation that could be enacted by the Parliament) to conserve petroleum-based fuels and resources in South Australia.
2. Action that could be taken (including legislation that could be enacted by the Parliament) to encourage the use of fuels which could be substituted for petroleum-based fuels in South Australia.
3. Any other matter related to conservation of petroleum-based fuels and the use and encouragement of substitute fuels or alternate energy sources in South Australia.

(Continued from 27 September. Page 1192.)

The Hon. R. A. GEDDES: I am disappointed that the Minister of Agriculture, in speaking to this debate on behalf of the Government, did not agree to appoint a Select Committee to investigate this matter. This dog-in-the-manger attitude, which is being adopted by the State Government, highlights the Government's policy to avoid making an unpopular decision to educate members of the public that they must use their motor cars differently and conserve energy in many ways. The Government is burying its head in the sand, hoping that the problem will go away and that the predicted shortage of petroleum products will not occur.

The Minister referred to the guidelines and the members of the Energy Research Council, which he said was well equipped to examine South Australia's energy problems. However, he did not say how often the council met, or whether any report is presented either to the Minister or to the Parliament. The terms of reference of the Select Committee are such that the Parliament will be made aware of the problems and will know what needs to be done to prepare the public and draft the legislation regarding the conservation of energy for the future. I believe that the Government is afraid of the consequences of any attempt to assess the future energy needs of the community. If the Government was genuine, it would give the South Australian Energy Research Council more teeth, possibly by way of an Act or regulations. The Government could easily have issued instructions for the council to table its reports to Parliament, so that all concerned would be aware of the work it is doing and the recommendations it makes.

This subject is not the sole preserve of Governments. The matter of energy conservation is one that the Opposition and the public should be made aware of on an equal and as wide a basis as possible. I do not believe that this is just a political problem—it is a State and national problem, and the Government stands to be criticised for failing to appreciate that point.

As a lame excuse the Minister claimed that the Select Committee will cause unnecessary delays by requiring the small staff of the Energy Branch to be occupied with producing material for it. Surely, the Minister is naive if he believes that a Select Committee of this Council depends totally upon information from that branch for its evidence.

Is the Minister not aware of the many concerned people in the public sector who have already indicated their desire to provide evidence and guidelines to such a committee? The Government cannot escape the world evidence that developed countries are entering difficult times as the world's petroleum requirements increase and, in particu-

lar, as Australia's petroleum imports increase because of the decrease in its own oil production.

If we wish to maintain for our citizens in this State a comparable life style in future, Parliament and the public must be aware of these facts. We must learn how to conserve and care for the future energy supply, with particular reference to petroleum usage in the next part of the decade.

I compliment the Hon. Mr. DeGaris on his decision to ask the Council to establish a committee under his suggested guidelines. There has been no criticism by the Government of those guidelines. The subject raised by the Leader of the Opposition is wide and to the point, and I commend it to the Government. Although the Minister has spoken for the Government against the establishment of a committee, I hope that it will not be the Government's intention to boycott a committee of this Council on this important matter. I hope that the Government will co-operate so that it and the Opposition can learn equally of, and can be made aware of, the problems, because of the importance of this matter. I support the motion.

The Hon. J. A. CARNIE: In speaking briefly on the motion, I refer to the desirability of the establishment of committees of this Council. I have spoken at length, once about three years ago and again on August 3 this year, on the advantages of establishing Select Committees. I then referred to comments, which are worth requoting, by two members of Federal Parliament. The then Leader of the Federal Opposition (Mr. Whitlam) in the House of Representatives in November 1967 stated:

> The Senate can take important initiatives in drawing attention to important national problems, establishing the facts about those problems and suggesting remedies for them. The Senate has unlimited opportunities to search out the facts, sift the evidence and propose remedies on a whole range of urgent national questions. We therefore propose that a Labor majority in the Senate will establish committees from both sides of the Senate to inquire into and report upon education, health, natural disasters such as fire, flood and drought, housing, poverty and the urgent question of control, exploitation and ownership of our best natural resources by overseas interests . . .

On 29 May 1968, Senator Laught, Chairman, Select Committee on the Metric System of Weights and Measures, stated:

> Until quite recently there were comparatively few select committees of the Senate. But in the present Parliament there has been an acceptance by the Government and by all parties in the Senate of the need for development of the committee system. This development follows the trend in many Parliaments overseas which have found that increasing Government responsibilities and the inadequacy of time and opportunity on the floor of the Parliament have made necessary the delegation to committees of certain of the inquiry work of a Parliament. These committees are becoming the workshops of Parliaments. They provide a long needed opportunity for the representatives of industry, commerce, trade and other organisations to put their views fully before the Legislature in a way which would be quite impossible under other Parliamentary procedures. This can only make for better government.

He continued (and this is the important part of his comment):

> In addition, committee work results in an informed body of senators who, because of the specialist knowledge gained by them through listening to the evidence of experts, are able to make more useful contributions to debates in the Parliament.

Although those comments concerned the Senate, I see no reason why, if they can apply to the Senate and work in the Senate, they will not work in the Legislative Council of South Australia. In speaking on this matter in August I referred to standing committees. True, there are difficulties in a comparatively small Council of establishing such committees, yet there is no doubt that the establishment of a Select Committee to investigate such a specific matter can do nothing but good.

I commend the Hon. Mr. DeGaris, first, for moving this motion to establish a Select Committee and, secondly, for the subject into which it will inquire. We are comparatively well off in Australia for fuels for the generation of power, but we will soon face a crisis in respect of petroleum-based fuel. This matter was canvassed well and widely by both the Hon. Mr. DeGaris and the Hon. Mr. Geddes, and I do not intend to go into that at all. I speak to this motion only to commend the committee system, and I hope that the Government will accept the wisdom of establishing a Select Committee to inquire into this subject. I support the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank honourable members who have supported the motion. In speaking to it the Minister of Agriculture put, I think, the Government's view. The first point that concerns me is the Minister's expressed opposition reflecting the continued tendency of this Government (and I daresay of all Governments, as I do not level this criticism at just this Government) to mistrust the elected Parliament. The Minister said that he opposed the motion because there was no need for an examination of this matter—

The Hon. B. A. Chatterton: By a Select Committee.

The Hon. R. C. DeGARIS: Yes. The Minister went on to give reasons why an inquiry should not be made by a Select Committee. He claimed that the matter was already being adequately researched and investigated by the South Australian Energy Research Council. He then drew attention to the people that the Government had invited to serve on the council. Certainly, it is a highly qualified committee, and I commend the Government for establishing such a committee of inquiry with its terms of reference.

The suggestion that the Select Committee should undertake an inquiry based more on a relationship with the public than on technical knowledge seems to me to be a wise one. I hasten to add that, in saying that, I do not intend in any way to criticise those who are serving on the highly qualified South Australian Energy Research Council.

People who are interested in this vital question relating to our future should have available to them, if they desire to use it, a Parliamentary Committee to which they can give evidence and express their views. Often, in matters of this nature, people have a practical point of view that can be utilised by the Government and the Parliament. Therefore, I see the base of a Select Committee inquiring into this matter as being different from that of the Government's committee.

Also, there is no doubt in my mind that this Parliament will soon be faced with much legislation stemming from energy shortages. In this respect, I refer particularly to petroleum resources. The problem will not be one of a source of energy but more one of a source of energy that is easily transportable and convertible, particularly in the transport and rural sectors. When I say that we will have legislation before us, I am referring to legislation that interprets Government policies in relation to conserving our existing portable energy resources.

The type of legislation that will be brought before the Parliament in the next 10 years could be as involved and

complex as some of the recent consumer-type legislation that we have had before us. If that is so, Parliament should be closely involved in examining the legislation and policy developments rather than having pressure exerted on it at the last moment urgently to pass a Bill.

I do not therefore regard the Select Committee as being in opposition to or running parallel with the Government's committee. This issue is so important that Parliament should be involved because, as time passes, severe problems will undoubtedly be experienced, particularly in relation to legislation.

Many important organisations have already contacted me since I moved the motion, and their viewpoint is a respected one. These organisations have told me that they are keen to see a Select Committee appointed to examine this matter.

Undoubtedly, honourable members are aware that, at the Federal level, although many high-powered Government committees are examining the whole question of energy in Australia, a Senate Select Committee is also examining it. The Government may oppose the appointment of a Select Committee, although I hope that, if the Council is convinced that Parliament should be playing a worthwhile role in this matter, the Government will participate in the Select Committee's deliberations, because only with the co-operation of both Parties can a Select Committee fulfil its correct role.

I thank those honourable members who have spoken on the motion and, although I understand the reason why the Government would prefer not to have a Select Committee appointed on this matter, I emphasise that it is a sufficiently important one to warrant Parliament's being involved in any decision making thereon.

The Council divided on the motion:

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

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

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. F. T. Blevins.

The PRESIDENT: There are 9 Ayes and 9 Noes. Because I consider that it is of the utmost importance that the use of fuels should be investigated in South Australia, I give my casting vote for the Ayes.

Motion thus carried.

The Council appointed a Select Committee consisting of the Hons. J. A. Carnie, B. A. Chatterton, C. W. Creedon, R. C. DeGaris, N. K. Foster, and R. A. Geddes; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 28 February 1979; the quorum of members necessary to be present at all meetings of the Select Committee to be four members; the Chairman to have a deliberative vote only.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This private member's Bill to amend the Workmen's Compensation Act, 1971-74, was introduced in the Lower House by the member for Davenport in an attempt to correct anomalies in the Act. He sought to amend five sections for which he hoped there would be consensus between the Government and the Opposition. At the Committee stage, the Minister of Labour and Industry accepted three of the proposed amendments, rejected one, amended one, and then proceeded to add amendments to 12 other sections of the Act. It is in this form that the Bill comes to the Council for its consideration.

The Minister said during debate in the Lower House that he was confident that the Legislative Council would carry the amendments because they were quite sensible and quite useful to the State. I could not be sure from reading *Hansard* whether the Minister was extolling the usefulness of the members of this chamber or endorsing his own amendments. Be that as it may, I can assure the Minister that we shall consider his amendments objectively, because workmen's compensation is a subject which seriously affects the majority of people in this State. It is essential to remove the anomalies from the Act, but I am sure that the Minister realises that some of his amendments are contentious.

The member for Davenport, when giving his second reading explanation, said that the Workmen's Compensation Act, 1971-74, had probably caused more problems industrially than any other single piece of legislation. It had escalated insurance costs for companies, increased the number and value of claims, caused major rehabilitation problems for injured workmen, created employment problems for workmen with existing injuries, attracted ridicule from the legal and medical professions, and prompted severe criticism from certain justices of the Supreme Court. With these comments generally I agree.

Two previous attempts have been made in recent years by the Government and the Opposition to correct anomalies in the Act but without success, and with hindsight I suspect that we have tried to correct too much in one swoop. Honourable members may recall that the Governor, when opening Parliament in July 1975, foreshadowed amendments to the Workmens Compensation Act. Eight months later the Minister of Labour and Industry introduced such a Bill but it did little to correct the anomalies and, after some public outcry, the bill was withdrawn without being debated.

In June 1976 the Governor made no reference to workmen's compensation in his opening Speech and, because of this, I introduced shortly afterwards a private member's Bill which sought to amend the basis for compensation and many other provisions in the Act. The Bill was passed in this Chamber but then was allowed to lapse without debate in the Lower House. In November 1976 the Minister introduced a Government Bill also seeking to correct many anomalies. The Opposition in this chamber imposed various amendments, some of which the government would have accepted. The matter went to conference, but the managers from both Houses were unable to agree on certain salient issues, and the Bill lapsed.

In June of this year the Minister established a committee to review the whole basis of accident compensation with particular regard to rehabilitation. We commend this action, but the terms of reference are far-reaching, and to review the subject thoroughly may take a year or two. Furthermore, this committee could recommend changes of a dramatic nature which, if acceptable, should be introduced on a nation-wide rather than State-by-State basis. Because of the delay before the review committee can complete its work, the member for Davenport has introduced his Bill at this stage and and the Minister, by amending so many additonal sections, has indicated that the Government recognises that there are errors in the Act

which should be corrected without delay.

The Bill deals with employers' liability for noise-induced hearing losses and for injuries consisting of a deterioration of physical and mental faculties or a disease contracted by a gradual process. It stops an employee on compensation from obtaining double pay during public holidays. It defines the extent to which employees can accrue leave entitlements whilst on compensation, and it provides compensable cover whilst an employee is travelling to seek medical advice. However, it does not deal with the basis of compensation payments, which proved so contentious during the debates in 1976.

Clauses 1 is formal. Clause 2 fixes the date when the Act will take effect. Clauses 3 and 4 amend section 1 and change the name of the Act from "workmen's" to "workers" compensation and alter the word "workman" to "worker" where it appears in the Act. As an aside, I am pleased that the Minister, in recognising the presence of women in the workforce, chose the term "worker" rather than "workperson".

Clause 5 extends the cover when a worker is travelling to and from work to include a journey to obtain a medical certificate in connection with an injury, not only for which a worker has received compensation as in the existing Act but also for which he is entitled to receive or is seeking compensation in connection with any such injury. The additional cover proposed in this Bill is of significance to a worker in a decentralised area like Whyalla or Mount Gambier who may have to make a lengthy journey to Adelaide to seek special medical attention.

Clause 6 permits an industrial magistrate, who may have no legal qualifications, to sit on the bench of the State Industrial Court and, at the direction of the President of the court, hear all types of workmen's compensation cases, rather than those of limited importance.

Clause 7 amends section 27 and defines the time within which a worker or his personal representative must give notice of a gradually increasing industrial injury, such as dermatitis or deafness. It must be given as soon as practicable after it has become known that the injury was due to his employment.

Clause 8 deals with the disclosure of medical reports. Under section 32 of the existing Act, an employer is bound to disclose medical reports to a worker at any time before or during proceedings. This clause inserts a corresponding obligation upon a worker to do likewise within seven days of the court proceedings but not before. The procedure in the existing Act is biased against the employer.

Clause 9 amends section 53, which deals with the obligation of an employer to pay compensation as soon as possible after he has notice of an injury. The Act at present provides that, if an employer disputes his obligation, he may apply to the court for an order to suspend his obligation, and his liability to make payment is suspended until the application is heard. At present, the court can only consider whether a genuine dispute exists for the whole of the period prior to the hearing. The purpose of the amendment is to permit the court to make an order based on either the whole or some part of this period.

So, if there is no dispute as to, say, the commencement of the period, but a genuine dispute comes into existence as to some later period, the court can make an appropriate decision. Clause 9 also extends the period for the commencement of weekly payments and the making of an application by an employer for an order that he can defer commencement of weekly payments by the number of public holidays occurring within the period.

Clause 10 removes a glaring error. Under section 54 a worker on compensation is entitled to double pay on public holidays and, under this new clause, this privilege is removed. Clause 11 amends section 55 and prescribes that a payment by an employer to a worker for compensation or medical services or the like is not an admission of liability. Clause 12 amends section 65. Under the existing Act, a worker temporarily absent from employment can accrue sick and annual leave whilst on compensation but this benefit previously did not extend to permanently disabled workers. This appears to have been an oversight on the part of those who drafted the original Act.

Clause 13 repeals section 66 and provides that a worker (and this includes both permanently or temporarily disabled) employed under Commonwealth awards or awards of other States shall be entitled to the monetary value of annual leave that would have accrued if he had not been absent from work. Clause 14 repeals section 73, which enacted a provision that a worker over the age of 50 years is presumed to suffer a loss of hearing equal to one-half of one decibel a year.

Clause 15 repeals section 74. Under the existing section, a noise-induced hearing loss is assumed to occur wholly at the time when a worker gives notices of a hearing loss. This means that the present employer is deemed to be wholly liable, irrespective of the conditions that a worker may have experienced in previous jobs. It undoubtedly deters employers from engaging middle-aged workers who may be suffering from some hearing loss. Under the proposed amendment, an employer can insist that a new employee has to undergo a hearing test on commencing a job. Furthermore, such an employer in future shall be held responsible only for that portion of hearing loss incurred at his place of employment and not, for example, for that portion incurred if the worker's hobby is to play drums at a discotheque.

Clause 16 amends section 84, which covers the situation where a worker is injured by a third person, say, in a car accident on his way to his job. The worker can claim compensation against his employer and damages against the third party but, under the Limitations of Actions Act, must bring his claim for damages within three years. There has been some doubt about whether the employer has been able to recover the amount of compensation that he was paid from the third party beyond the three-year limitation, but this amendment removes that doubt.

Clause 17 amends section 88 and covers workers employed on a South Australian ship where the injury occurs within the State or within its jurisdiction. Hitherto compensation has been payable in the case of an accident only, but this amendment extends the cover to injuries as well.

Clause 18 deals with injuries which result in a gradual deterioration of physical or mental faculties or a disease contracted by a gradual process; for example, noise-induced hearing loss or dermatitis. Hitherto the current employer has been held wholly liable subject to his right to claim a contribution from other previous employers during the three-year period prior to the claim. This right to claim contribution is extended from three to 15 years and will apply regardless of whether the injury occurred before or after the passing of this amending Bill. Clause 19 is consequential on the passing of clause 18.

I ask honourable members to consider this second reading explanation. If my interpretation of some of the amendments moved by the Minister of Labour and Industry does not satisfy Government members, please realise that these amendments were passed in the Lower House without explanation. Although I have introduced this Bill and have explained the clauses, I have said that some provisions are contentious, and I may try, in the Committee stage, to have the Bill amended.

The Hon. J. E. DUNFORD secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Consideration in Committee of the House of Assembly's amendments:

No. 1. Page 1—After clause 1 insert new clauses as follows:

1a. *Amendment of Principal Act, s. 126—Count of voting papers by deputy returning officer.*—Section 126 of the principal Act is amended by striking out from subparagraph *(c)* of paragraph I the passage "other than the said names and crosses, or such other descriptive matter relating to the election as set forth in the form No. 4 in the fifth schedule" and inserting in lieu thereof the passage "that may identify the voter".

1b. *Amendment of principal Act, s. 127—Counting of votes by returning officer.*—Section 127 of the principal Act is amended by striking out from subparagraph *(c)* of paragraph II the passage "other than the said names and crosses, or such other descriptive matter relating to the election as set forth in the form No. 4 in the fifth schedule" and inserting in lieu thereof the passage "that may identify the voter".

No. 2. Clause 2, page 1, lines 12 and 13—

Strike out "be given effect to according to the voter's intention so far as his intention is clear" and insert "not be rejected on the grounds that a cross marked thereon does not comply with the requirements of this Act, if the intention of the voter in so marking the voting paper is clear".

No. 3. Page 1—After clause 2 insert new clauses as follows:

3. *Amendment of principal Act, s. 228—Minimum rates.*—Section 228 of the principal Act is amended by striking out subsection (1b) and inserting in lieu thereof the following subsection:

(1b) A council shall not, in fixing a minimum amount under this section, have regard to any special or separate rates that may be payable in respect of any ratable properties within the area.

4. *Amendment of principal Act, s. 223a—Minimum rates.*—Section 233a of the principal Act is amended by striking out subsection (1b) and inserting in lieu thereof the following subsection:

(1b) A council shall not, in fixing a minimum amount under this section, have regard to any special or separate rates that may be payable in respect of any ratable properties within the area.

5. *Amendment of principal Act, s. 384—Submission of scheme.*—Section 384 of the principal Act is amended—

(a) by inserting in subsection (1a) after the passage "under this or any other Act" the passage ", and any other function carried out by a council in, or incidental to, the administration of its affairs,";

(b) by striking out paragraphs *(d)*, *(e)* and *(f)* of subsection (2);

(c) by striking out from subsection (2) the passage "and shall be accompanied by a plan and specifications of the works and undertaking included in the scheme";

and

(d) by inserting after subsection (2) the following subsection:

(3) The scheme shall be accompanied—

(a) by a copy of the proposed rules of the controlling authority; and

(b) where the proposed works or undertakings consist of the construction or alteration of any structure, by a copy of the plans and specifications therefor.

6. *Amendment of principal Act, s. 387—Power of Minister to amend the scheme and proposed rules.*—Section 387 of the principal Act is amended by inserting in subsection (1) after the passage "propose such amendments to the scheme" the passage ", or to the proposed rules of the controlling authority,".

7. *Amendment of principal Act, s. 392a—Amendment of authorised scheme and rules.*—Section 392a of the principal Act is amended—

(a) by inserting in subsection (1) after the passage "propose such amendments thereto" the passage ", or to the rules of the controlling authority,";

(b) by inserting in subsection (3) after the passage "an authorised scheme" the passage ", or to the rules of the controlling authority";

and

(c) by inserting after subsection (4) the following subsection:

(5) Any amendments made under this section to the rules of a controlling authority shall come into effect upon the day notice thereof is published pursuant to subsection (3) of this section.

8. *Amendment of principal Act, s. 394—Powers of controlling authority to exercise powers, etc., of constituent councils.*—Section 394 of the principal Act is amended by inserting in subsection (1) after the passage "on behalf of the constituent councils" the passage ", in accordance with the rules of the controlling authority".

9. *Amendment of principal Act, s. 396—Powers of incorporated controlling authority.*—Section 396 of the principal Act is amended by inserting after the passage "every controlling authority incorporated pursuant to this Part may" the passage ", subject to its rules".

10. *Enactment of s. 406a of principal Act.*—The following section is enacted and inserted in Part XIX of the principal Act after section 406 thereof:

406a. *Validating provision.*—(1) The following bodies shall be deemed to be controlling authorities duly constituted and incorporated under this Part:

Metropolitan Regional Organisation (No. 2) Western

Southern Metropolitan Regional Organisation (S.A. No. 4)

Northern Metropolitan Regional Organisation (No. 1 South Australia)

(2) The works and undertakings carried out prior to the commencement of the Local Government Act Amendment Act (No. 3), 1978, by a controlling authority referred to in subsection (1) of this section shall be deemed to have been carried out pursuant to a scheme duly authorised under this Part.

11. *Amendment of principal Act, s. 530c—Sewerage effluent disposal schemes.*—Section 530c of the principal Act is amended—

(a) by striking out from subsection (12) the passage "which shall be payable by all the ratepayers in the said portion" and inserting in lieu thereof the passage "payable by the ratepayers benefited by the scheme in that portion of the area";

and

(b) by inserting after subsection (12) the following subsection:

(13) A separate rate, or separate rates,

declared under this section shall be based upon criteria approved by the Minister.

The Hon. J. A. CARNIE: I move:

That the House of Assembly's amendments be agreed to.

The first group of amendments, being the new clauses inserted on page 1, deals with what was my original Bill, and the Government, while accepting the principle of what I had set out to do in the measure, disagreed about the actual wording. In particular, the other place has inserted a provision that nothing that may identify the voter shall be included in the Act. I have no objection to this: I am pleased about those amendments. The Minister of Local Government stated at page 1690 of *Hansard:*

> We have amended the Bill with the knowledge, and I think I can say with the approval, of the mover, the Hon. John Carnie.

I would like to make the true position clear. The Minister approached me and said he wanted to include certain matters in the Bill and also to move contingent notice of motion to obtain power to insert new clauses. Knowing that he would do this whether or not I agreed, I had no objection. However, I did not know, as he has implied, exactly what the amendments were about, and they certainly did not have my approval at that stage. I have since examined the Government amendments and have no objection to them.

The amendments deal with two separate matters. New clauses 3, 4 and 11 deal with sewerage effluent disposal schemes and the rates to be fixed in connection with them. This will overcome problems that have been experienced by local government in fixing minimum rates, which previously could not be deviated from, although often some ratepayers did not benefit from the effluent disposal schemes. These amendments provide that rates shall be payable only by the ratepayers who benefit under the scheme. Also, in certain cases (for example, where a building block is vacant and not connected to the scheme), the amendments provide for a special rate or no rate, or for a variation from the minimum amount.

The other Government amendments deal with Part XIX of the Act concerning authorities or joint works and undertakings between councils. New clause 10 caused some concern in the House of Assembly, and this validates and recognises three separate regional organisations in metropolitan Adelaide and also validates the works and undertakings carried out prior to the commencement of this legislation. These three regional organisations were set up some time ago and have carried out joint works and undertakings in accordance with Part XIX of the Act. The question now arises whether the legislation is legally valid, and this provision seeks to validate previous undertakings.

I am usually opposed to retrospective legislation, but in this case I think it is acceptable. It does not legalise an unlawful act but corrects any genuine mistakes that may have been made in connection with action taken on behalf of these regions.

The Hon. M. B. DAWKINS: I agree with the Hon. Mr. Carnie's comments. However, I am a little concerned that so much has been included in what was, after all, a very simple Bill that I completely supported in its original form. The Bill is now a much more complex one.

The Hon. D. H. L. Banfield: Now you know how it feels. You've done this frequently.

The CHAIRMAN: Order!

The Hon. M. B. DAWKINS: Members of another place were concerned about the provisions of new clause 10 in their original concept. After examining the situation, and discussing it with other honourable members, I believe that their concern was not warranted and that the Bill, as it stands, is a considerable improvement. If the Minister of Health wants to get excited, he can get up and have his say.

The Hon. D. H. L. Banfield: I'm not getting excited. What did you do with Bills that came up here?

The Hon. M. B. DAWKINS: I do not know what the Minister is getting excited about. No objection can be taken to the Bill. After examining new clause 10, I believe that the objection of my colleagues in another place was perhaps a mistake, and I support the Bill as it stands.

Motion carried.

PAY-ROLL TAX 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.

Its object is to increase pay-roll tax exemption levels by 10 per cent from January 1979. The present pay-roll tax exemption provisions in South Australia are as follows:

> All tax is waived on pay-rolls of less than $60 000 a year.
>
> The exemption reduces $2 for every $3 by which pay-rolls exceed $60 000 a year.
>
> A minimum pay-roll exemption of $27 000 which is reached on a wage bill of $109 500.

This position has applied since 1 January 1978 when, in common with other States, pay-roll tax exemptions were increased by 25 per cent. It is proposed by the Bill that the exemption levels will be increased so that the new exemption level will be $66 000, which will reduce by $2 for each $3 increase in total pay-roll above that figure to a flat exemption of $29 700 at pay-rolls of $120 450 and above.

This is the fourth successive year in which the exemption from pay-roll tax has been increased. Over this period the exemption has more than trebled from $20 800 to $66 000 resulting in many employers being freed from pay-roll tax while the tax for all other employers has been reduced. The cost of the new exemptions is estimated to be about $300 000 for the rest of this financial year and about $800 000 in a full year. By this amendment the pay-roll tax exemptions in South Australia will continue to be in line with those applying in Victoria. The Bill also makes a minor amendment to an administrative provision to facilitate the recovery of pay-roll tax when an employer furnishes a return but fails to pay the tax owing by him.

Clause 1 is formal. Clause 2 provides that the amendments are to come into operation on 1 January 1979. Clause 3 amends section 11a of the principal Act. This section establishes the deductions that are to be made from taxable wages in order to calculate pay-roll tax. The effect of the amendments is to fix a new exemption level of $66 000 ($5 500 a month) which reduces to a flat amount of $29 700 ($2 475 a month) on pay-rolls of $120 450 or more.

Clauses 4 and 6 make consequential amendments to sections 13a and 18k of the principal Act. These provisions both relate to the assessment of pay-roll tax where employers are grouped together, and pay-rolls aggregated, for the purposes of the principal Act. Clause 5 amends section 14 of the principal Act. This section deals with the obligation of employers who pay wages in excess of a certain amount to apply for registration. The relevant amount is increased from $1 150 a week to $1 250 a week. Clause 7 amends section 26 of the principal Act. The object of the amendment is to enable the Commissioner to

take legal proceedings for the recovery of unpaid pay-roll tax without first issuing an assessment.

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

POLICE REGULATION ACT AMENDMENT BILL (No. 2)

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 follows upon the report of the Royal Commissioner (Her Honour Justice Mitchell) into the dismissal of the former Commissioner of Police. As is well known, the Royal Commissioner found that proper grounds did in fact exist for the dismissal of the former Commissioner. She thought, however, that there would be considerable merit in stating explicitly by Statute the grounds upon which the Commissioner could be dismissed, so as to provide an unequivocal basis upon which the validity of a dismissal could, if necessary, be judicially examined. The Government agrees with the view, and the present Bill has been prepared to give effect to the relevant recommendations of the Royal Commissioner. The Bill extends both to the Commissioner and to the Deputy Commissioner of Police. It provides for the removal of either of these officers on the ground of incompetence, neglect of duty, misbehaviour or misconduct or mental or physical incapacity.

Clause 1 is formal. Clause 2 inserts a definition of "the Deputy Commissioner" in the principal Act. Clause 3 inserts new section 9b in the principal Act. The new section provides for the removal of the Commissioner or the Deputy Commissioner on any of the grounds referred to above. It provides that neither the office of Commissioner nor that of Deputy Commissioner shall become vacant except by death, retirement, resignation or removal under the new provision.

Clause 4 amends section 16 to make it clear that the Commissioner and the Deputy Commissioner are members of the Police Force for the purposes of that provision (section 16 requires all members of the Police Force to take a specified oath). Clause 5 amends section 54 of the principal Act. This provision preserves the common law power of the Crown to dismiss any member of the Police Force. The Royal Commissioner did not think the Commissioner was to be regarded as a member of the Police Force for the purposes of this provision. However, an amendment is inserted to make it clear that this provision is subordinated to the new provisions circumscribing the grounds on which the Commissioner or Deputy Commissioner may be removed from office.

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

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It provides for the abolition of the South Australian Film Advisory Board. The Advisory Board was established in June 1973, pursuant to Part IV of the principal Act, to assist the fledgling South Australian Film Corporation in the development of a film industry in this State. The board met regularly until 1976, and was seen to provide useful assistance to the Film Corporation. But since its inception the South Australian Film Corporation has developed far beyond original expectations and is now recognised as Australia's foremost film producer. The relevance of the Advisory Board's role is becoming increasingly more difficult to identify in view of this development. Members of the Advisory Board itself have expressed doubts about the continuing need for such a body. Although the board was reconstituted in early 1977, it has not been possible to redefine a truly useful role. Thus the board has experienced difficulty in achieving a quorum and has met only twice this year.

Clauses 1 and 2 are formal. Clause 5 removes Part IV of the principal Act under which the South Australian Film Advisory Board is established. The other clauses to the Bill make consequential amendments to the principal Act.

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

SWINE COMPENSATION 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.

Section 12 of the Swine Compensation Act provides for the establishment of a fund, the main purpose of which is to compensate producers for loss of pigs found to be infected with certain diseases. That section further provides that the fund is to be applied to the general administration of the Act, payment of compensation, and research into problems of the pig industry to the extent of $25 000 each financial year. Any moneys remaining after these commitments have been met may be declared by the Minister to be surplus to the Swine Compensation Fund, and in the last three years these surpluses have averaged $100 000.

The Swine Compensation Fund is largely financed from a stamp duty imposed in respect of the sale of pigs under section 14. At present the levy is 1c for each $3 of the purchase price of a pig or carcass, with a maximum of 21c in respect of any one pig or carcass. The effect of the present Bill is to provide that the levy is to be fixed by regulation. The present amounts are to become maxima beyond which the levy cannot be increased.

Clauses 1 and 2 are formal. Clause 3 provides that the duty upon sales of pigs, or pig carcasses, is to be a prescribed amount not exceeding 1c for each $3 of the purchase price. There will be a prescribed maximum levy in respect of any one pig or carcass, and this will not exceed, in any case, 21c.

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

DEBTS REPAYMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 4 to 7, 9 to 15, 17 to 32, and 34, and had disagreed to amendments Nos. 1 to 3, 8, 16 and 33.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 1 to 3, 8, 16 and 33.

This Bill was referred to a Select Committee and much discussion ensued on it. Although agreement was reached in many areas, many matters raised before the Select Committee were not accepted by a majority of its members. Those matters were debated by the Council and, although the amendments were carried in the Council, the Government could not accept them. In accordance with your ruling, Mr. Chairman, the amendments were considered in another place, which has now disagreed to them.

The Hon. J. C. BURDETT: I ask honourable members to insist on the Council's amendments. The Minister has not canvassed the subject matter of the various amendments that have been disagreed to, and I do not intend to do so, either. However, those amendments were thoroughly debated in this place, and the Council voted on them. As the Minister has not stated any reason why the Council should no longer insist on its amendments, I suggest that honourable members should so insist.

The Hon. R. C. DeGARIS (Leader of the Opposition): The House of Assembly has disagreed to six Council amendments. Although I do not know how many amendments the Council made to the Bill, it was certainly more than 33. Therefore, most of the Council's amendments have been accepted by the Government. I agree with the Hon. Mr. Burdett that the Minister has not canvassed the points of disagreement. However, I think that amendment No. 1 was a unanimous recommendation of the Select Committee, there being no disagreement thereon from members of either side in this place. It is therefore reasonable that the Council should insist on its amendments and that we should try to ascertain from another place its reasons for objecting to the amendments.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. F. T. Blevins. No—The Hon. R. A. Geddes.

The CHAIRMAN: There are 9 Ayes and 9 Noes. It seems inconsistent, the Council having agreed unanimously on its initial decision, that it should now wish to change part of it. I therefore give my casting vote for the Noes.

Motion thus negatived.

ENFORCEMENT OF JUDGMENTS BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 3, 5 to 19, and 22 to 26, and had disagreed to amendments Nos. 4, 20 and 21.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 4, 20 and 21.

The House of Assembly's message indicates that the Government went a long way toward accepting the Legislative Council's 26 amendments. I therefore believe that we should not insist on amendments Nos. 4, 20 and 21. Mr. Chairman, you will find it hard next time to find an excuse for not voting with the Government. You will find it hard next time to give the excuse that the matter should be given further consideration.

The Hon. J. C. BURDETT: The Minister has given no reasons related to the merits of the subject matter in the Bill as to why we should not insist on amendments Nos. 4, 20 and 21. As he has given no such reasons, I suggest we should insist. I also point out that this Bill, the previous Bill, and two other Bills about which we will receive messages were all submitted to the same Select Committee. It seems to be common sense that, as no reasons have been given by the Minister based on the merits of the subject matter, we should insist, and the merits of all these Bills should be discussed in conference.

The Hon. R. C. DeGARIS (Leader of the Opposition): There is a very important reason why these amendments should be insisted on. The main disagreement in the House of Assembly and in this Council related to the garnishment of wages. There are two ways in which we can go; we must have some ultimate stricture. We have removed from the Bill the question of imprisonment altogether. In the original Bill the Government wanted the final sanction of sending a debtor to gaol; that has been removed and replaced with the garnishment of wages. If the garnishment of wages is removed, consideration will have to be given to an amendment similar to the provision in the original Bill, providing for the final sanction of imprisonment. I believe that we should insist on our amendments. If no agreement is reached, consideration can be given to the provision in the original Bill.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. F. T. Blevins. No—The Hon. R. A. Geddes.

The CHAIRMAN: I know that the Minister did not wish to reflect on my integrity when he said that I would be hard pushed to find an excuse as to which way I would vote. I am not looking for an excuse at all, because I believe that these Bills are so closely tied together that it is necessary that they all be considered in a conference. I therefore give my casting vote for the Noes.

Motion thus negatived.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3 to 11 and had disagreed to amendments Nos. 1 and 2.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 1 and 2.

There is no doubt as to the reason why we should not insist on amendments Nos. 1 and 2. That reason has been set out by the House of Assembly, and I could not have done

better. The reason is:

Because the amendments are irrevocably opposed to the purpose, policy, principles, and intent of the Bill.

The Hon. J. C. BURDETT: The reason given by the House of Assembly for disagreement is comprehensively set out, but it does not give details. The reason is that the amendments are irrevocably opposed to the purposes, policies, principles, and intent of the Bill. Of course, they are not, because the only amendments that have been disagreed to are in regard to the small claims jurisdiction.

The amount of $2 500 was proposed in the Bill, in lieu of the $500 in the present Act, and this place set the limit at $1 000, which was a reasonable allowance for inflation. It was stated here and by many other people that a claim for $2 500 was not a small claim. For those reasons, I do not think that our amendments are in any way opposed to the purposes, policies, principles, and intent of the Bill. The Bill is designed to deal with what are genuinely small claims, and I ask the Committee to insist on the amendments.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. F. T. Blevins. No—The Hon. R. A. Geddes.

The CHAIRMAN: There are 9 Ayes and 9 Noes. As this Bill is related closely to the other Bills with which we have dealt and on which I have given reasons for giving my casting vote for the Noes, I once more cast my vote for the Noes.

Motion thus negatived.

SHERIFF'S BILL

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

HEALTH ACT AMENDMENT BILL

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Bill read a third time and passed.

BOILERS AND PRESSURE VESSELS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its principal object is to streamline the procedures for the registration of boilers and pressure vessels. The existing legislation requires that all boilers and pressure vessels prescribed by regulation be registered by the Secretary of Labour and Industry. It is an offence to operate a registrable boiler or pressure vessel, except under the direction of a departmental inspector, unless the Secretary has issued a certificate of registration in respect of the apparatus in question. To ensure their safe operation, all boilers and pressure vessels must be inspected at regular intervals, in the case of boilers every 12 months and, in the case of pressure vessels every two years.

The Secretary may not issue a certificate of registration in respect of an apparatus, which is, in the opinion of the Chief Inspector of Boilers, unsafe for use, and if an inspection subsequent to registration reveals that a boiler or pressure vessel has become or is likely to become unsafe, the owner is required to take such remedial measures as the inspector considers necessary. In this respect an inspector may direct that an owner shall desist absolutely from using the apparatus.

Under the proposed amendments the provisions relating to inspections will remain much as they are at present. However, it will now be necessary for all boilers and pressure vessels to be registered unless they are specifically exempted. Initial and continued registration will depend on the apparatus being and remaining in a safe, operable condition, as determined by inspection.

The Government is of the view that the proposed procedure is desirable because it will eliminate the need for comprehensive regulating provisions setting out which apparatus shall be subject to the requirements of registration. On the other hand, the amendments preserve, and indeed extend, the existing power to exempt certain apparatus from specified provisions of the principal Act, including those relating to registration, should this be desirable.

In addition to the modifications already outlined, the Bill deletes reference to the Secretary of Labour and Industry, and substitutes reference to the Director of the Labour and Industry Department in accordance with the prevailing administrative structure of the department. As has been indicated, the existing power to exempt apparatus from the provisions of the principal Act is extended, and the Government has also taken this opportunity to replace British units of measurement in the principal Act with their metric equivalents. Several minor drafting changes are also incorporated, and penalties imposed under the Act have been increased to more appropriate levels. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 inserts a new heading in section 3 of the principal Act, consequential on the enactment of proposed section 15a, which empowers the Director to delegate his powers. Clause 4 amends section 4 of the principal Act, which sets out definitions of certain terms used in the Act, by inserting a definition of "the Director" and deleting the definition of "Secretary". Clause 5 amends section 7 of the principal Act by substituting metric expressions for existing British terms.

Clause 6 repeals the existing section 8 of the principal Act, which provides for the exclusion, by proclamation, of certain pressure vessels from the operation of the Act, and substitutes a new section, covering all apparatus with which the Act is concerned. Clause 7 enacts a new section 15a which empowers the Director to delegate any of his powers or functions under the Act to any other person. The department has specifically requested this provision to facilitate its administrative operations.

Clause 8 repeals sections 18 to 23 of the principal Act, which set out the existing registration requirements and

procedures. New sections numbered 18 and 19 are enacted in substitution. Section 18 provides that it shall be an offence to operate any unregistered boiler or pressure vessel, except as directed or allowed by a departmental inspector. The maximum penalty provided is $200, which is the same as that in the corresponding provision in force at present. The new section also provides that applications for registration be made in the prescribed form and accompanied by a prescribed fee. Upon receipt of an application for registration, the Director of the Labour and Industry Department shall register the apparatus in question and issue a certificate of registration. He may decline to register an apparatus, or revoke an existing registration, if satisified, on the report of an inspector, that the apparatus is unsafe.

Section 19 provides that the owner of a registered apparatus shall pay to the Director such periodic or other fees as may be prescribed, and empowers the Director to revoke the registration of an apparatus if any fee payable by its owner remains unpaid for more than 28 days after the due date. Clause 9 amends section 27 of the principal Act, which is concerned with certificates of inspection, by deleting subsection (2). This subsection provided for the payment of inspection fees, and is unnecessary in the light of the proposed section 19.

Clause 10 remedies a drafting ambiguity in section 28 of the principal Act, which empowers inspectors to give enforceable directions to the owners of boilers or pressure vessels. Clause 11 corrects a corresponding flaw in section 29. In both cases, the amendment deletes unnecessary words which have the effect of distorting the meaning of the provision.

Clause 12 repeals sections 30 and 31 of the principal Act. Respectively, these provided for the suspension of inspection certificates in circumstances where a boiler or pressure vessel might be temporarily unsafe, and made it an offence to operate a boiler or pressure vessel in respect of which no certificate of inspection was in force. The effect of the proposed section 18 renders these provisions unnecessary. Clause 13 substitutes reference to the Director for reference to the Secretary in section 32 of the principal Act.

Clause 14 amends section 33 of the principal Act, which provides that certain apparatus shall not be subject to requirements that operators hold certificates of competency. The amendment extends the operation of this section to boilers which have fully automatic controls approved by the Chief Inspector, and any boiler exempted, by proclamation under the new section 8, from the provisions relating to certificates of competency. In addition, metric expressions are substituted for existing British terms in the section. Clause 15 effects a corresponding metric conversion to the provisions of section 34, and clauses 16 and 17 both substitute reference to the Director for reference to the Secretary in sections 44 and 48 respectively.

Clause 18 raises the penalties imposed under the Act. The exact details of the modifications are set out in the schedule attached to the Bill; in general, penalties of $100 or $200 have been increased to $500, although in the cases of sections 25, 26, 28 and 29 of the principal Act, they have been raised to $1 000. The offences dealt with in these sections relate to the hindering of inspectors and the failure to comply with their directions in relation to unsafe equipment. Clearly, these offences are of a serious nature, and demand heavy penalties. A penalty of $500 in section 16, subsection (4), has also been increased to $1 000. This provision is concerned with the offence of manufacturing equipment otherwise than in accordance with approved designs.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

LEVI PARK ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 1769.)

The Hon. J. A. CARNIE: In understanding this Bill it is necessary to examine the history dating back to 1948, when Mrs. Adelaide Belt, a member of the Levi family, donated about 10 acres at Vale Park to the Corporation of the Town of Walkerville. This land included the historic home Vale House. Mrs. Belt's intention was quite clear and is included in the preamble to the principal Act, which provides:

> Whereas Adelaide Constance Belt, of Walkerville, has given to the corporation of the town of Walkerville approximately ten acres of land situated at Vale Park in the hundred of Yatala, County of Adelaide, and the sum of five thousand pounds and has expressed her desire that the said land shall be used in perpetuity as a public park, and that the said sum shall be applied to the improvement and maintenance of the said land as a public park:

There is no doubt that Mrs. Belt intended to donate the land to the Corporation of the Town of Walkerville. Unfortunately, the land involved was in the Enfield council area, and the Walkerville council quite rightly decided that it would be wrong to use Walkerville ratepayers' money to maintain a park in another council area. In an endeavour to solve this problem, the Walkerville council approached the then Minister of Local Government, the Hon. Mr. McIntosh, who, in consultation with Mrs. Belt and the Walkerville council, decided to set up the Levi Park Trust to comprise two members including a Chairman appointed by the Government, two appointees of the Walkerville council, and one appointee of the Enfield council.

If the area donated by Mrs. Belt had been situated in the Walkerville council area, the Levi Park Trust would not have been established and the Government would not be able to get its grubby little hands on this land. It would have belonged outright to the Walkerville council and would have been operated as efficiently by the council as it has been by the Levi Park Trust. Perhaps the Enfield and Walkerville councils in 1948 should have established their own board of management to control the park, with three members from Walkerville council and two from Enfield council. The park would have been operated just as efficiently, and the State Government would not have been involved.

In 1948 the Walkerville council believed that it was acting responsibly in asking the Minister to arbitrate, because it could not foresee that the State Government would try to take control of the park. In 1970 Vale Park sought severence from the Enfield council area and annexation by the Walkerville council. The Minister in another place said that this happened in 1975, but the correct date was 8 July 1970. The land then became part of the Walkerville council area, and since then the Enfield council has not been involved. However, Section 4 of the Act provides:

> Of the members of the trust other than the chairman—(b) one shall be appointed by the Enfield council.

For eight years Enfield council has had representation on the trust of a park that was not in its council area. To correct this anomaly, the Walkerville council, acting in a responsible way, asked the Minister of Local Government that the Enfield representatives be replaced by a member nominated by the Walkerville council.

However, Walkerville council went further. It recognised the importance of environmental matters in this area. The land fronts on to the Torrens River and it is a public park. The Walkerville council's suggestion was that it would submit the names of three environmentally involved people to the Government so that the Minister could choose a replacement for the Enfield council nominee. The Walkerville council wanted local government to retain control of the trust. The Hon. Mr. Hill, in debating this matter, stated:

> I am amazed that the Minister of Local Government should be the architect of such of a Bill.

The Walkerville council's suggestion was agreed to by the Minister, but he later advised the council that his decision had been overruled by Cabinet. Obviously, the Government wanted control of Levi Park. This Bill is the end result and it will take the control of Levi Park from local government and place it in the hands of the State Government, at a time when more power and responsibility are being given to local government, which is only right and proper. However, the Government is taking control from local government.

A caravan park is located at Levi Park. Caravan parks are invariably owned and operated by local government, and are operated well and efficiently.

The Hon. T. M. Casey: In the metropolitan area?

The Hon. J. A. CARNIE: Many of them. Certainly, they are in the country areas. Local government has much to do with the satisfactory running of caravan parks.

The Hon. T. M. Casey: Isn't Levi Park in the metropolitan area?

The Hon. J. A. CARNIE: Yes. Is this the forerunner of a takeover of all local government controlled caravan parks in the metropolitan area?

The Hon. T. M. Casey: Of course it's not: that has never been said.

The Hon. J. A. CARNIE: A caravan park is involved, and caravan parks are invariably owned and controlled by local government or by private operators. Levi Park also contains a small oval and the public park. Public parks and ovals are invariably controlled and operated efficiently by local government.

The Minister made no suggestion that the trust, with its present majority of local government members, has not been operating efficiently; in fact, the reverse situation applies. In its submission to the Select Committee from another place the Corporation of the Town of Walkerville stated:

> The Walkerville council is of opinion that the trust with its two Government and three local government representatives has worked very well over the past 30 years with the establishment of the caravan park providing revenue for the trust so that, since 1965, it has not been necessary for the trust to call on the two councils for their annual contributions. It is pleased also that the trust has taken steps towards restoring historical Vale House which is part of the State Heritage. It believes also that the caravan park aspect of the park administration should be stabilised and more emphasis given to the public park aspect of Mrs. Belt's original bequest.

There is no argument that the trust has not operated well, and it has operated well with three local government representatives and two Government representatives. Why has the Walkerville council been singled out to have the control of the caravan park, oval, and public park taken out of its hands?

The original reason for establishing the trust no longer exists; that is, now that the park has come into the area of the Walkerville council, the original wishes of the donor should be respected—the area should be given wholly to the Walkerville council to own and operate. That is what Mrs. Belt intended with her original gift. However, we now have a Levi Park Act and a Levi Park Trust. I can accept that situation, providing that the majority of the trust members remain local government appointees. In his speech, the Hon. Mr. Hill foreshadowed an amendment to provide for this, and I intend to support that amendment. I support the Bill.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 1731.)

The Hon. JESSIE COOPER: I congratulate the Government on its intention, so long expressed, of registering hairdressers and beauticians or cosmeticians. Now, after years of gestation, and then great labour, with the co-operation of the Hairdressers Registration Board, the Government has produced a very small infant indeed. This is a phenomenon known for thousands of years, at least from the time of Aesop's Fables 500 years B.C., and most popularly in the form of the Latin poet Horace, who lived in the last century B.C. and who said, *"Parturiunt montes, nascetur ridiculus mus"*, which means, "The mountains are in labour, an absurd mouse may be born."

I say this not for the sake of carping criticism, but because, on reading the Bill, I find that hairdressers will have to be registered only in certain prescribed areas of the State, and that beauticians and cosmeticians will not have to be registered at all. Clause 3 provides:

> Section 4 of the principal Act is amended—
>
> *(a)* by striking out from paragraph *(a)* of the definition of "hairdressing" the passage "removing, destroying,";
>
> *(b)* by striking out from paragraph *(a)* of the definition of "hairdressing" the passage "the massaging, cleansing, stimulating, or beautifying of the scalp, face, or neck of any person by any other person for reward, whether by hand or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams or by any mechanical or electrical apparatus or appliances; and the making for reward of all classes of hair for human wear:";

In his second reading explanation the Minister stated:

> At present, any person not registered under the Act is prevented from using the name of "hairdresser" or any other name which implies that that person is a registered hairdresser. In effect, registration is regarded as an indication that a person has attained a certain standard of proficiency, but the Act does not prohibit an unregistered person from practising hairdressing and calling himself a barber, beautician or a cosmetician.

He then gave the strongest reasons for the board's request for the compulsory registration of hairdressers and stated:

> The board has alleged that "backyard" or unregistered hairdressers, whose skills in their trade have not been assessed by the board (nor have they passed any recognised examination) are often unhygienic and may sometimes damage the hair and skin of clients by the misuse of lotions and other unskilled practices. The Government has accepted that the introduction of a system of compulsory registration of persons practising hairdressing will close that existing loophole and do much to eliminate the undesirable practices in the industry.

Does this situation not apply equally to beauticians and cosmeticians? Can they not also be regarded in the same way as unregistered hairdressers? Their skills in their trade have not been assessed by the board, nor have they passed any recognised examination. Their practices often might be unhygienic and might cause damage to the skin of their client by the misuse of lotions or by the use of unsterile toiletries, or they could do permanent damage to the eyes by the use of eye-drops, which might not be sterile. No honourable member here, except me, will have had the experience of having had a facial—

The Hon. D. H. Laidlaw: Speak for yourself!

The Hon. JESSIE COOPER: I have often wondered about the honourable member's skin. However, eyes are especially vulnerable to drops that make them sparkle. Although the Bill improves the situation regarding hairdressing, it abandons completely all attemps to protect the public from unskilled beauticians or cosmeticians if they are not working in conjunction with hairdressers.

I cannot see that this change will benefit anyone. Will the Minister tell the Council the reasons for this omission? I can understand the Government's dilemma regarding clause 3 (c) and the Minister explained this change from the original concept advanced by the board. Clause 3 (c) provides:

> by inserting after the definition of "Minister" the following definition:
>
> "prescribed area" means a part of the State declared by regulation to be a prescribed area for the purposes of this Act:

I refer also to clause 6, which was pointed out to me by a hairdresser of 30 years standing. He said that the penalty for carrying on the practice of hairdressing if not registered was simply absurd. If the Bill was passed and became law, surely the penalty for wilfully disregarding the law should be more than $100. The Bill provides that a penalty of not more than $100 will apply. The gentleman to whom I have referred suggested that it would take only a few perms to cover that cost.

It therefore seems that this Bill is far from the earlier requests emanating from the Hairdressers Registration Board, and that the Government, knowing of the difficulty of policing it if the Bill becomes law, has kept very low the penalty for transgressing it. I support the Bill.

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

HOUSING AGREEMENT BILL

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

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 November. Page 1768.)

The Hon. R. A. GEDDES: I support this Bill, which is a hand-in-glove measure. The Art Gallery Act and the Museum Act have already been amended, and the Institutes and Libraries Act is now being amended, to allow penalties to be imposed on people who park their vehicles in the area that is controlled by the three art centres to which I have referred. Because there is no common boundary between the institutions concerned, it has been necessary to introduce three amending Bills. I support that part of the Bill relating to parking because of the problems experienced when people park their motor cars in these areas without authority.

The difficult part of the Bill is that which gives the Libraries Board power to borrow money for any purposes under the Act. It is contemplated that the new borrowing powers will be used to assist in the expansion of library services that is now taking place. So, we have yet another Bill creating a trust. The Libraries Board will be able to borrow up to $1 000 000 in any one year, and a Treasury guarantee will be given. Money will be recouped by way of a Government guarantee, over or about which Parliament seems to have little control or knowledge.

In this respect, I refer to a question I asked some time ago regarding the Outback Areas Community Development Trust Act. In reply to my question regarding borrowings, I was told that $2 000 000 had been borrowed by the trust since May last year: the sum of $1 000 000 had been borrowed before June, a similar sum having been borrowed thereafter. The only knowledge that honourable members had of those borrowings was gleaned as a result of a question that I had asked in the Council.

Realising that so many other boards, which have been given authority to borrow large sums, have been set up during the life of this Parliament, Opposition members are concerned that there is little apparent control once the money has been borrowed.

At the same time one must not lose sight of the fact that the Libraries Board is borrowing money for a necessary cause. Originally, the Institutes Association of South Australia was set up to provide a library service for the people of South Australia but, as time has passed and some parts of the metropolitan area have grown quickly, the Institutes Association and the Libraries Board have not been able to keep up with the establishment of library services.

About 12 months ago, the Premier made a firm commitment in relation to the western part of the metropolitan area, which he said was in dire need of better library services, and said that it was the Government's aim to see that those services were provided. This authority, being given to the Libraries Board, to borrow money so that the newer parts of the metropolitan area can have the benefit of borrowing technical, fiction, and other types of book from libraries is a worthy and necessary one.

Being very involved with the Institutes Association, which has asked the Government whether it can be merged with the State Libraries Board, I am familiar with the amount of work that the Libraries Board is setting out to do. I support the second reading.

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

STATE LOTTERIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 November. Page 1768.)

The Hon. J. A. CARNIE: This Bill seeks to give the State Lotteries Commission an exclusive right to the words "Cross Lotto", "X Lotto", and "Lotto". Section 19 of the principal Act is amended by inserting the following subsection:

> (10a) A person shall not, without the written authority of the commission, distribute, display or publish, or cause to be distributed, displayed or published, by any means, any notice or advertisement in which the word or words "Lotto",

"Cross Lotto" or "X Lotto" (whether with or without the addition of any words, symbols or characters) are used as a title or description of a lottery other than a lottery conducted, or to be conducted, by the commission.

I have no objection to the State Lotteries Commission's having full control and rights over the words "Cross Lotto" and "X Lotto".

The Hon. N. K. Foster: What is wrong with that?

The Hon. J. A. CARNIE: Nothing. The Lotteries Commission is a large revenue earner in South Australia and provides much money to the Hospitals Fund. I therefore believe it should be protected as far as possible. However, I doubt whether the commission should be able to have control over a common noun in common use which is in every dictionary that I have seen. The Hon. Mr. DeGaris has traced the use and origin of the word "Lotto", and I do not propose to go over the same ground. My argument is that the Government should not have the power to copyright such a word. That right is not available to private enterprise, nor should it be. For example, "Aspro" was made up specifically as a brand name for a type of aspirin tablet; that brand name can be protected as a registered trademark and trade name.

But the word "aspirin" as a single word cannot be copyrighted. However, in conjunction with another word it could be. For example, if I wish to bottle and place on the market aspirin tablets under the name of "Carnie's Aspirin", I should be able to register that as a trademark, but I cannot and should not be able to register the word "aspirin" on its own. The Government is trying to do the same thing here.

"Cross Lotto" and "X Lotto" are terms made up for a particular purpose. However, "Lotto" on its own should not be registered, but in conjunction with another word such as "Cross" or "X" it is synonymous with the State Lotteries Commission's form of Lotto. Those words together should be able to be controlled by the commission, but not the word "Lotto" alone. I agree with the Hon. Mr. DeGaris's opinion, and I would not oppose the commission's having exclusive use of the words "Cross Lotto" and "X Lotto", but the State Lotteries Commission should not have control over the word "Lotto" itself. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Amendment of principal Act, section 19—Offences."

The Hon R. C. DeGARIS (Leader of the Opposition): As an amendment that I have foreshadowed is not yet on file, I ask that progress be reported.

Progress reported; Committee to sit again.

OLD ANGASTON CEMETERY (VESTING) 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.

This is a Bill to vest in the District Council of Angaston the fee simple in the old cemetery at Angaston, in which the last burial took place in 1869. The title to the land is in trustees, all of whom have long since died, and the cemetery is in a very dilapidated condition with few headstones left. It is the intention of the council to restore the area, which has a close connection with the early history of the town and district, and to use it as a park in a way consistent with its former use.

Land at Angaston was conveyed to trustees for use as a cemetery in 1848. Only a portion of that land was so used, and that portion is the subject of this Bill. There was power in the original trust deed to appoint new trustees when the number of trustees fell below five, but this does not appear to have been used. At a meeting of trustees called in 1865 only three attended, and no trustee attended a meeting called in 1866.

The cemetery land was brought under the provisions of the Real Property Act in 1954, and a limited certificate of title was issued in the names of the trustees. Statutory authority is needed to vest the land in the council, as there is no-one who could execute a conveyance. A survey is desirable because there is some doubt as to the accuracy of the boundaries described on the certificate of title and a new certificate, while no longer limited as to title, would have to be limited as to description. 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 is the interpretation clause. Clause 3 vests the land in the council, provides for Ministerial control of the development of the land, and provides for the issue of a new certificate of title by the Registrar-General.

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

SPICER COTTAGES TRUST 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.

Its object is to reconstitute the Spicer Cottages Trust, and to prescribe its powers and functions. The Spicer Cottages Trust was incorporated by the Spicer Cottages Trust Act of 1934. Its objects were the provision and maintenance of homes for retired ministers of the former Methodist Church of Australasia and their widows. For some 35 years before incorporation, a body of trustees nominated in a series of three registered declarations of trust had carried out these objects. The principal benefactor of the undertaking was Edward Spicer, who was also one of the original trustees.

The PRESIDENT: Order! I have asked members previously not to walk about the Chamber as though they are seeking exercise. They should be seated while they are speaking to other members.

The Hon. B. A. CHATTERTON: Prior to the Spicer Cottages Trust Act, 1934, the powers, functions and procedures of the trust were all set out in the declarations, but after incorporation a more comprehensive statement came into operation. This was set out partly in the declarations, the terms of which the new Spicer Cottages Trust adopted in full, and partly in the incorporating Act itself. With the addition of a minor amendment to the Spicer Cottages Trust Act in 1938, this situation has remained unchanged up to the present time.

The Spicer Cottages Trust now wishes to extend its powers to ensure, in particular, that it can administer moneys made available by the South Australian Synod of the Uniting Church in Australia and demolish old

buildings that it owns and replace them with modern structures. In addition, the trust feels that it is desirable to have all its powers, functions and procedures stated in a single document, rather than two as at present, and that certain obsolete provisons in the declarations should be removed.

The trust therefore takes the view that a recasting of its incorporating legislation has become necessary, in the manner presented by this Bill. The Bill repeals the present legislation and revokes the existing declarations of trust. The Spicer Cottages Trust is to continue in existence as a body corporate, and the names of its present members are listed in the first schedule to the Bill. The trust is to have the powers, authorities, functions, duties and obligations prescribed in a revised declaration of trust set out in the second schedule to the Bill. This is an updated and somewhat expanded amalgamation of the old declarations and some provisions of the existing Act. It includes a power authorising the trust to amend the declaration, which will enable the trust to modify its powers as changing circumstances require. 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 repeals the Spicer Cottages Trust Act, 1934-1938. Clause 3 defines certain expressions used in the proposed Act. Clause 4 revokes the former declarations of trust and provides that the Spicer Cottages Trust shall continue in existence as a body corporate. This clause further provides that the trust shall consist of the eight members whose names are set out in the second schedule, and their duly appointed successors. In addition, the trust is granted all the powers, authorities, functions, duties and obligations set out in the declaration of trust appearing in the second schedule.

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

ADJOURNMENT

At 5.5 p.m. the Council adjourned until Thursday 9 November at 2.15 p.m.