HOUSE OF ASSEMBLY

Tuesday, March 28, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

DEATH OF MR. P. H. QUIRKE

The SPEAKER: It is my sad duty to draw the attention of the House to the lamented death of Mr. Percival Hillam Quirke, who was a member of the House of Assembly for 27 years, having represented the District of Stanley from 1941 to 1956 and the District of Burra from 1956 to 1968. He was Minister of Lands, Minister of Repatriation, and Minister of Irrigation from January 8, 1963, to March 10, 1965. As Speaker of the House, I express publicly deepest sympathy to his widow, children and relatives in their sad bereavement.

The Hon. J. D. CORCORAN (Deputy Premier): I join with you, Mr. Speaker, in offering to Mrs. Quirke and the Quirke family the deepest sympathy of members of this House in their sad bereavement. I say "sad" because, knowing Bill Quirke as I did, I always thought he was a very strong man physically and that he would be spared to enjoy many years of retirement with his family and his wife, whom he loved so much. He was a distinguished Parliamentarian, not only in length of service but as a person who was fearless in his advocacy of any issue that he followed. He was assiduous in his duties as a Minister of the Crown, and in the many dealings that I had with him in that capacity I could only admire his approach and his fairness regarding any problem. The State owes much to Mr. Quirke for the splendid service he rendered to it during a long and distinguished career as a member of this House.

Dr. EASTICK (Leader of the Opposition): I join with you, Mr. Speaker, and the Deputy Premier in expressing, on behalf of the Opposition, deepest sympathy to the family and friends of the late Mr. Quirke. Mr. Quirke was not known personally to me as a Parliamentary colleague, but I had had the opportunity to meet him in a non-Parliamentary sphere. His Ministerial service and the functions he undertook at all levels, including a term as a member of the Public Works Committee, are well documented in the records of this House. Even since leaving the political field, Mr. Quirke undertook work on behalf of the Government, dealing with the vexed question of wheat quotas and associated problems. I reiterate that we as an Opposition offer our deepest sympathy to Mr. Quirke's family. Indeed, several Opposition members are not here at present because they have been in attendance at the funeral.

The SPEAKER: As a mark of respect, I ask members to stand in their places in silence.

Honourable members stood in their places in silence.

PETITION: PAYMENT OF ACCOUNTS

Mr. Hopgood, for Mr. PAYNE, presented a petition signed by 3,792 residents stating that they desired to have the facility to make Engineering and Water Supply, Electricity Trust and State Government insurance payments at their local post office, because of the convenience and longer hours of counter service available than is available through the present facilities. The petitioners prayed that members of the House of Assembly would examine the proposal with a view to implementing it as soon as possible.

Petition received and read.

PETITION: SEX SHOPS

The Hon. G. T. VIRGO presented a petition signed by 83 members of the Edwardstown and Ascot Park Methodist Churches, drawing attention to the recent appearance of sex shops in the community and expressing concern about the probable harmful impact of such shops on individuals and consequently on the community. The petitioners requested that Parliament would, if necessary, amend the law to put these sex shops out of business.

Petition received.

QUESTIONS

VETERINARY FACULTY

Dr. EASTICK: In the absence of the Premier, will the Deputy Premier say whether the Government will seek to determine the current attitude of the Western Australian Government to its previously accepted commitment to establish, in one of the Western Australian universities, the fourth veterinary faculty in Australia? If the Western Australian Government does not intend to meet that commitment, will this Government urgently consider meeting the commitment made by the previous Hall Government, by accepting the responsibility for establishing a veterinary faculty in this State? I assure the Minister that this is not in any sense a parochial matter. During this session the members for Murray, Flinders, and Eyre have asked

questions concerning veterinary scholarships and training. The Australian Universities Commission suggested that the fourth veterinary faculty in Australia should be established at the University of New England, at Armidale.

Following submissions by many people, Dr. Farquhar, of the Department of Primary Industry, Canberra, was given the task of investigating the problems leading to the development of another faculty in Australia. Subsequent to his investigation, he said that both Western Australia and South Australia were, in his opinion, in advance of New England as a site for such a faculty. The Western Australian Government had made money available for the establishment at one of its universities of a veterinary faculty slightly in advance of the Hall Government's accepting the responsibility and one of the South Australian universities accepting the challenge. It was known that the University of Adelaide was not able to accept a new faculty, but that did not prevent the matter from going forward. The establishment of a veterinary faculty takes from eight to 10 years from commencement to graduation of the first graduate. I therefore suggest that, if we are to satisfy the need for further training in this field, whichever Government undertakes the responsibility should announce its intention with the minimum of delay.

The Hon. J. D. CORCORAN: I listened with great interest to the Leader's explanation. He said that the Hall Government had entered into a commitment in this area, but this is the first I have heard of that commitment. I do not know whether that commitment was made public. Later in his explanation, the Leader attached the condition that, if one of the universities would accept it, the Government would be prepared to carry it out. I will examine the question, because certain ramifications need to be examined and, in fairness to the Leader, a considered reply should be given.

SITTINGS AND BUSINESS

Mr. LANGLEY: Will the Deputy Premier say what is intended with regard to the sittings of this House to the end of this session?

The Hon. J. D. CORCORAN: A similar question was asked last week by the member for Fisher, and I then said that the Government had been considering the matter and that early this week it should be able to indicate its intentions. It is intended that the House shall sit today and tomorrow of this week but that it will not sit on Maundy Thursday, but that is not out of deference to the member for Mitcham, who was bleating about this last year. However, members will be asked to sit next Tuesday, Wednesday and Thursday, and, depending entirely on the progress made in this House, possibly on Friday.

Mr. Millhouse: Friday as a separate day?

The Hon. J. D. CORCORAN: Into Friday.

LITTLE RED SCHOOLBOOK

Mr. MILLHOUSE: I should like to ask a question of the Attorney-General. What action, if any, does the Government intend to take about the circulation in this State of the *Little Red Schoolbook?*

Members interjecting:

The SPEAKER: Order!

Mr. MILLHOUSE: Government members may not take this seriously, but I regard it as a serious matter, as do many people in the community. Last weekend's *Sunday Mail* contains the following report:

> The controversial *Little Red Schoolbook* (a student's guide to playground politics, teachers, sex and society) will go on sale in Adelaide in about two weeks.

From the report it appears that not only will the English version, which has been expurgated somewhat, be on sale at a cost of $1.50 (and apparently it is available from bookshops—Max Harris is referred to, and so on) but that also 50,000 copies of an unexpurgated version, which has, according to the report, been smuggled into Victoria, will be distributed free by the Secondary Students Union. As yet, I have not been able to see the whole of those publications—

Mr. Jennings: I bet you're disappointed.

Mr. MILLHOUSE: —but I have been shown those sections dealing with sex and drugs. I am told that these are comparatively (and I use that word advisedly) unobjectionable when compared with the part on society, which has been described as follows:

> The book's whole approach is calculated to emphasize class differences and class discrimination, and to foment class bitterness in the school.

Another description states:

> "The most important revolutionary group in the advanced countries is the schoolchildren." This sentence provides the key to the *Little Red Schoolbook.*

It is obvious to all those who know anything about this that the book is undesirable and, I suggest, dangerous.

The Hon. L. J. KING: Like the member for Mitcham, I have not had the opportunity of reading the *Little Red Schoolbook* in either of its versions, if there are only two of them,

and I do not know even that. Like him, I have also read newspaper accounts of this book; how accurate they are I do not know. As I have had an official communication from the Commonwealth Minister for Customs and Excise, I know that he has decided to permit the import into this country of at least one version of the *Little Red Schoolbook.* He has communicated with me to say that, in his view, the book does not offend against any Commonwealth law. In his letter to me, he indicates that to prohibit the import of the book would amount to political censorship. As he disapproves of political censorship, he has therefore decided that the book should be admitted to the country. He states in his letter that he takes the view (and I must say I agree) that the best way to deal with a book of this kind is that it should come into the hands of teachers and parents and that they should take the opportunity to discuss its contents with the children under their care, for experience shows that trying to suppress ideas by banning books has never succeeded in the past and is most unlikely to succeed in future.

I do not know what are the contents of the unexpurgated version of the book. I have asked the Commonwealth Minister, as soon as practicable, to supply me with a copy so that I may read the book to decide whether, in the form in which it was apparently originally published in Europe and the United Kingdom, it conflicts with the law in South Australia. For the moment, all I can say is that an edition or version of the book has been admitted into this country by the Commonwealth Minister and, under the agreement that exists with Commonwealth authorities, to which all States are parties, that book will therefore not be the subject of prosecution. As to any other version of the book, that matter will have to be decided when such a version is available, when I am able to read it, and, indeed, when someone has published and distributed it.

DARLEY ROAD FORD

Mr. SLATER: Can the Minister of Roads and Transport say anything further about the construction of the bridge over the Darley Road ford? Will he investigate the possibility of enforcing a 15 miles an hour speed restriction on the approaches to the ford pending construction of the bridge, because I consider that such a restriction would be in the interests of the safety of people using the bridge?

The Hon. G. T. VIRGO: I have no further information but, if I can obtain any information I have not given the honourable member before this, I shall be happy to give it to him.

PARLIAMENTARY PROCEDURES

The Hon. D. N. BROOKMAN: Will the Deputy Premier say whether the Government is concerned about the amount of legislation that is being presented to Parliament under the old procedures and whether the Government has any plans to reconsider these procedures? There are 159 Bills on members' files. As some of these are duplicates, the total would be less than that figure, but, as there are several more on the Notice Paper, we will probably finish with about three times as many Bills as we used to have only a few years ago.

The Hon. G. T. Virgo: In the days of do nothing.

The Hon. D. N. BROOKMAN: I intend to treat this as a matter for Parliament and not as an argument against the Government's policy; I am not having a shot at the Government, but no member, let alone a Minister of the Crown who has to attend to his own legislation, can possibly read all the Bills. Further, the practice has grown over the years of suspending Standing Orders to shorten the statutory delays between the stages of a Bill, so we now have a procedure that permits legislation to be passed through the House in record time. This means that we are getting a record amount of—

The Hon. G. T. Virgo: Progress.

The Hon. D. N. BROOKMAN: No. I ask the Minister to behave. This amount of legislation must be getting a record amount of disregard because, as everyone knows, the legislation is presented, the Minister presents his argument, and there should be a delay so that members may discuss the matter—

The SPEAKER: The honourable member is commenting.

The Hon. D. N. BROOKMAN: I believe very strongly that, unless someone is prepared to grapple with the problem, we will eventually find that Parliamentary consideration, at least in this House, by reason of the speed with which we deal with Bills has become so superficial as to be nearly useless. I think that the Deputy Premier, if not all his colleagues, will agree with much of what I say and that he will understand that I am not merely accusing his Government of being

the one at fault. Nor am I saying that members are too lazy to do their work, or anything like that. I am asking him to look at this problem seriously because the solution can only come after the Government has considered the problem carefully.

The Hon. J. D. CORCORAN: I accept the question in the spirit in which it is asked. I believe that it would be most desirable if we could reform the procedures of the House to achieve the things about which the honourable member has spoken. I take it that the honourable member is referring to more than the Standing Orders and the procedures that must be followed in the House. I do not know whether he is alluding to committees of the House to deal with specific measures and report back to the House, a procedure which, I understand, is largely followed, for instance, in the House of Commons. As the honourable member has indicated, it is difficult to know how to give time to all members to study in detail all the measures that are placed before them. I cannot see how that can be achieved without, possibly, the House sitting for much longer periods.

Mr. Jennings: If they could cut out stupid questions, that would be a start.

The Hon. J. D. CORCORAN: I intended to say that this House was more generous than any other House in Australia regarding the period allowed for questions without notice. I am not saying it would be desirable to shorten that period, because an important function of Parliament is to allow members the rights that are properly theirs to question the functioning of the Executive. However, that would be one way. If that period was reduced by half, we would have another hour for business, but I do not think doing that would satisfy the specific point that the honourable member has raised. The Government is as anxious as the honourable member to reach a satisfactory solution, although I see great difficulties involved in any change that is made. We will certainly consider the matter.

SEMAPHORE LAND

Mr. RYAN: Has the Minister of Works a reply from the Minister of Lands to the question I asked last week about the Government's intentions regarding land owned by the Lands Department at Semaphore?

The Hon. J. D. CORCORAN: My colleague states that the future use of the land situated on the corner of Semaphore Road and the Esplanade, Semaphore, has been under consideration for some time, but no firm decision has yet been made. The most recent development is that arrangements have been made for a joint inspection of the block to be made soon by senior officers of the Lands Department and the Corporation of Port Adelaide. The officers will discuss the matter in detail on the site.

GRANTS COMMISSION

Mr. COUMBE: In the absence of the Treasurer, will the Deputy Premier have prepared for me a report giving information on the operations of the Grants Commission as they affect South Australia? In 1970-71, the special grant for South Australia was $5,000,000 and for 1971-72 it was $7,000,000. The first nine months of this financial year has almost passed, and the Treasurer, when presenting the Budget last year, said that one reason for the increases in certain charges and taxation was that, to achieve adequate payment from the Commission, certain tax levels must be maintained. I should appreciate a report indicating what level of special grant assistance the State can expect from the Commonwealth Government in the coming year. Alternatively, what assistance has this State sought from the Commonwealth Government?

The Hon. J. D. CORCORAN: I shall be pleased to obtain a report for the honourable member, although I do not know whether it can deal with all the matters he has mentioned. The honourable member may be aware that about three weeks ago the Grants Commission was in Adelaide, meeting Treasury officers and other Government officers, and following that meeting, the Commission will tell the Government what is its intention. The honourable member has referred to the statement made by the Treasurer in explaining the Budget, that certain levels of taxation must be maintained to satisfy the Grants Commission. The honourable member understands, of course, that the standard States (New South Wales and Victoria) are used to establish the standard and, if South Australia is taxing at a lesser rate in certain areas, as it is doing, than rates in the standard States, we suffer a penalty. That is how the Grants Commission operates. I will refer the matter to the Treasurer on his return and find out what information we can get. It may be possible to give the honourable member all the information for which he has asked.

PENSIONER TRAVEL CONCESSIONS

Mr. SIMMONS: Has the Minister of Roads and Transport been able to negotiate

concessions for pensioners travelling by rail between the South Australian border and Melbourne? In November last I wrote to the Minister on behalf of one of my constituents who was interested in this matter, inquiring whether it would be possible to extend the rail travel concession for pensioners. I understand that reciprocal concession agreements similar to those sought have been in operation in relation to the Commonwealth Railways and other States but that no such concession has applied to the important section operated by the Victorian Railways. The Minister replied that he was taking the matter up with the Victorian Minister of Transport. Has a decision been made in this matter?

The Hon. G. T. VIRGO: For about 12 months I have been negotiating with the Victorian Minister on this matter and I am pleased to say that we have now reached finality. The Victorian Government has agreed with the South Australian Government's view that pensioner concessions should be made available for travel between Adelaide and Melbourne, and arrangements have been made for these to operate from May 1 this year. This means that pensioners will be able to travel anywhere between Kalgoorlie and Cairns at concession rates. Even though it has taken 12 months to achieve this, I am pleased that it has been achieved. Perhaps my only regret is that, once again, the State Government is required to make amends for the Commonwealth Government's sins of omission.

SCHOLARSHIPS

Mr. McANANEY: Has the Minister of Education a reply to my recent question about the number of scholarships awarded?

The Hon. HUGH HUDSON: A total of 524 rural secondary scholarships and fifth-year scholarships has been awarded this year. Of these, 219 were rural secondary scholarships, the average amount a scholarship being $315, and 141 scholarship winners receive a maximum amount of $370. A total of 305 fifth-year scholarships was awarded, the average amount being $152. The maximum amount of $200 is received by 99 winners.

Mr. EVANS: Can the Minister of Education say whether a person doing a post secondary course which is not available in this State is eligible for a scholarship, whether it be Commonwealth or State? I have received a letter from a constituent, the father of a 16½-year-old girl who has passed her Leaving examination with five subjects, including home science. She wishes to complete a diploma course in foods and food service, with the intention of becoming a home economist in South Australia. As this course is no longer available at the South Australian Institute of Technology, the girl has had to go to Melbourne to undertake the course. Her costs are over $400 annually to complete the course, and her parents have written to the Education Department on this matter. The reply from the department is that finance is not available for this purpose, because a student such as this girl is in the same position as any country student who has come to Adelaide to attend school in order to complete her education. As this is an area of concern, I shall be pleased to make this information available to the Minister so that he can try to convince the Commonwealth Government or the State Government that money should be provided in order to make some form of scholarship available.

The Hon. HUGH HUDSON: I am a little puzzled by the honourable member's statement that the course is no longer available in South Australia. Some post-secondary courses at the institute have been transferred to the Education Department. I suspect that, if this was one of those courses, it would now be available through the Education Department at one of its technical colleges. I will check on the details in the question and also consider the request made by the honourable member.

MODBURY WEST SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my question of March 14 about the provision of access to the Modbury West Primary School?

The Hon. HUGH HUDSON: Entrance to Modbury West Primary School will be from Wright Road. Consultants have prepared a report and estimates for the sealing of the two access roads and funds are being sought prior to calling of tenders. It will not be possible to complete the work before the coming winter. Arrangements are therefore in hand to effect temporary improvements to the surfaces of the two access roads which will provide better conditions during the winter while allowing the permanent sealing work to proceed as planned.

BEACH PROTECTION

Mr. BECKER: Has the Minister of Environment and Conservation a reply to the question I asked on March 16 about sand deposits and beach protection generally?

The Hon. G. R. BROOMHILL: The sand survey currently being undertaken by the survey vessel *Offshore Driller II* will cost between $50,000 and $60,000, depending on the amount of additional work undertaken compared to that included in the contract sum. As yet no payments have been made. About $15,000 worth of work has been undertaken to date, and payment is in progress to various authorities.

NICHOLSON AVENUE SCHOOL

Mr. BROWN: Has the Minister of Works a reply to my recent question about work to be undertaken at the Nicholson Avenue Primary School?

The Hon. J. D. CORCORAN: A group contract for civil works at the Memorial Oval Primary School, Nicholson Avenue Primary School and the Whyalla police station, is being supervised by a consulting engineer. I understand the contractor commenced resealing work under this contract yesterday.

CIGARETTES

Mr. MATHWIN: Can the Attorney-General, representing the Minister of Health, say when I can expect a reply to the question I asked about two weeks ago regarding the labelling of cigarette packets? Is the Minister of Health waiting to be the last to take action, bearing in mind that a private member's Bill was passed dealing with this matter? I point out that Victoria has already announced a move in this regard, and one would hope that this State would have followed that move or, indeed, that it would have been the first State to make such a move.

The Hon. L. J. KING: I will refer the question to the Minister of Health.

TRANSPORT LEGISLATION

Mr. GUNN: Will the Minister of Roads and Transport say with which sections of the road transport industry he conferred prior to introducing legislation seeking to control the hours of driving and also to control the carrying capacity of trucks?

The Hon. G. T. VIRGO: I conferred with the South Australian Road Transport Association Incorporated and—

Mr. McAnaney: How long before?

The SPEAKER: Order! There can only be one question at a time. The honourable Minister of Roads and Transport.

The Hon. G. T. VIRGO: I conferred also with the South Australian Automobile Chamber of Commerce, and both are Liberal organizations.

INSURANCE COMPANY

Mr. BURDON: Will the Attorney-General have investigated the activities in South Australia of the Combined Insurance Company of America, whose head office, I understand, is in North Sydney, New South Wales? Certain constituents of mine have raised queries about the financial standing of this company the validity of its insurance policies, and the methods adopted by its salesmen. From information available, it seems that the company's approach to potential customers is undesirable. Therefore, in the interests of the people of this State, will the Attorney-General have an investigation made into the company's *bona fides,* the validity of its policies, and its selling methods?

The Hon. L. J. KING: I will have the matter examined.

KEITH MAIN

Mr. NANKIVELL: Has the Minister of Works a reply to my recent question about the possibility of extending the subsidiary main below Keith into the hundred of Pendleton?

The Hon. J. D. CORCORAN: The matter of branch mains from the Tailem Bend to Keith scheme has received the closest possible attention by the Engineering and Water Supply Department. An officer has been specifically assigned to interview all affected landholders and to discuss with them their requirements before each branch main is finally decided upon and laying commences. Branch mains in and around Keith in the hundred of Stirling have been of concern to the department because of the strong objections that have been raised by some landowners having mains passing their properties. In addition, although application has been made to the Commonwealth Government for the inclusion of the hundred of Petherick in the total scheme for which that Government is making a grant, no decision has yet been made on this application. The outcome of this application naturally affects the expenditure of the Loan funds of this State on the scheme and, until this and the attitude of some landholders in the hundred of Stirling towards the extension of a branch main into the hundred of Petherick is resolved, no firm decision can be made about extensions into the hundred of Pendleton, which was not included in the original scheme.

COOBER PEDY SCHOOL

Mr. GUNN: Has the Minister of Education a reply to my recent question about the Coober Pedy School?

The Hon. HUGH HUDSON: On March 9, 1972, approval was given by the Minister of Works for the arrangement of a contract with a firm which is at present working in the area. This group is known to be competent and to have the capacity to undertake the civil works at the school. It already has its plant at Coober Pedy for other work, and it is considered that it should be possible to negotiate a satisfactory quotation for the civil works required in connection with the replacement of the school. If a suitable price can be negotiated, a recommendation will be made for its acceptance. It is hoped that by negotiating such a contract it will be possible to occupy the new school at a much earlier stage than otherwise, possibly early in the second term. To expedite the outstanding work at Coober Pedy, a project manager, whose responsibility will be to co-ordinate the remaining work and to ensure its completion in the shortest possible time, has been appointed by the Public Buildings Department.

FOUNDRY

Mr. RYAN: Has the Minister of Works a reply to my recent question concerning the future of the old foundry in the Port Adelaide area?

The Hon. J. D. CORCORAN: The Engineering and Water Supply Department will complete its move out of the old foundry area by April 21, 1972. At this time the Lands Department will be advised that this department no longer needs to occupy the land. It then becomes the responsibility of the Lands Department to decide the future use of the land. Both the buildings and the land have never belonged to the Engineering and Water Supply Department, which has in effect been a tenant. Consequently, when this department vacates the land, the buildings will remain as part and parcel of the land and will revert to the Crown. I shall refer the question to the Minister of Lands for consideration.

CHIROPRACTOR ACCREDITATION

Mr. RODDA: Can the Attorney-General, representing the Minister of Health, say whether the Government will act on the accreditation of chiropractors? I have received, as have other members, many representations in person and by letter that chiropractors be recognized as an acceptable medical service for medical refund purposes. Many people obtain much benefit from this form of treatment and, from the representations made, it appears that the chiropractors have a strong case.

The Hon. L. J. KING: I will refer the matter to the Minister of Health.

REPLIES TO QUESTIONS

Mr. McANANEY: As we are nearing the end of the session and several of my questions still remain unanswered, especially one concerning licensing facilities, will the Deputy Premier say when replies to these questions will be given? I know the Government is busy spending all the money it has received from the Commonwealth Government.

Members interjecting:

The Hon. J. D. CORCORAN: I do not expect the honourable member would expect anyone to go through all the volumes of *Hansard* for this session to discover which of his questions remain unanswered. It is only reasonable to ask the honourable member to list his questions (together with the dates on which he asked them) and the replies outstanding so that I can try to obtain replies before the end of the session. I take this opportunity to emphasize how much work goes into the preparation of replies. I am not suggesting that members should not ask questions, but questions entail additional work for the Public Service when the House is sitting, and it is understandable if there is sometimes a slight delay in replies.

GEPPS CROSS ABATTOIR

Dr. EASTICK: Has the Minister of Works a reply from the Minister of Agriculture to my recent question concerning the beef market and the capacity of the Gepps Cross abattoir to undertake additional killings?

The Hon. J. D. CORCORAN: My colleague states that the American market is a lucrative one and an exporter who can will take advantage of the increased quota that may be exported to the United States of America. There are three essential requirements for exporting meat to the U.S.A. They are as follows: A diversification credit must be built up with the Australian Meat Board whereby for every ton of meat that is to be exported to the U.S.A., the exporter must have exported one ton of beef or four tons of mutton elsewhere. The meat must have been slaughtered in an establishment registered and listed for export to the U.S.A. In South Australia there are such works at Gepps Cross, Noarlunga and Murray Bridge. The meat must be exported through an approved exporter.

The type of beef required in the U.S.A, is what is classed as manufacturing beef and is from the heavy type of cattle that are used for the manufacture of hamburgers and other types of smallgoods. Exporters who can comply with the above three requirements will undoubtedly take advantage of the opportunity for this additional export quantity but, in doing so, will consider the cheapest market available for the purchase of suitable cattle and the ability of the district to process the cattle to meet the U.S.A. requirements.

Mr. VENNING: Can the Minister of Labor and Industry say what progress has been made in connection with an extra shift to be worked at the Gepps Cross abattoir? In reply to a question about the abattoir about three weeks ago, the Minister of Agriculture said:

On February 18, 1972, a letter was forwarded to the Australasian Meat Industry Employees Union seeking its mutual agreement to the slaughtering of cattle on an afternoon shift from 4 p.m. to midnight, but a reply to the request has not yet been received from the union.

Last week's edition of the *Chronicle* states:

To help bridge the gap between now and when the new killing chain will be operational, exporters have asked the Metropolitan and Export Abattoirs Board to run a second work shift each day in order to step up capacity of the works. The M.E.A.B. has asked the Australian Meat Industry Union to put the matter to its members. Union leaders put the case to a "shop committee" level meeting at the abattoir yesterday (March 23). At the time the *Chronicle* went to press, the outcome of these discussions was not known, but it was believed likely that the matter would be referred to a general vote of the abattoir work force next Monday (March 27).

I ask the Minister the question because of the situation that could exist at the metropolitan abattoir.

The Hon. D. H. McKEE: I will refer the question to the Minister of Agriculture.

Mr. GUNN: Can the Minister of Works, representing the Minister of Agriculture, say whether the Government has considered introducing a system on a voluntary trial basis involving the live-weight selling of stock at the abattoir? I understand that that system is to be adopted in Queensland on a trial basis for a limited period following the agreement of all parties concerned.

The Hon. J. D. CORCORAN: I will take this matter up with my colleague. I know he is interested in the matter, but I do not know what developments have taken place.

PARA HILLS EAST SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to a question I asked on March 15 concerning access to the Para Hills East Primary School?

The Hon. HUGH HUDSON: Plans were prepared by the Public Buildings Department to provide an access to the rear of the Para Hills East Primary School from Milne Road. Before the necessary land could be acquired, the firm developing the area moved in without prior notice to lay foundations on a number of allotments on Milne Road, thus making access from that direction impossible. Steps are now being taken to acquire land, not yet subdivided, on the northern entrance to the school. An access from this direction will be provided in due course.

LAMEROO SCHOOL

Mr. NANKIVELL: Has the Minister of Education a reply to my recent question about the planning and programming of work at the Lameroo Area School?

The Hon. HUGH HUDSON: I am always delighted to be asked a question by one of the members of the Liberal and Country League who still remain in the Chamber.

Mr. Millhouse: Get on with it.

The Hon. HUGH HUDSON: We are all interested to see that the Deputy Leader is still here. In reply to the member for Mallee, I point out that two men have been employed full time since November last on the preparation of plans and tender documents for the Lameroo Area School. Drawings and specifications are expected to be ready for tender call in July, 1972, when tenders are expected to be called. The school is to be completed by the end of the 1973 school year.

KINGSTON PARK RESERVE

Mr. HOPGOOD: In the absence of the Premier, has the Deputy Premier a reply to my recent question about the Kingston Park caravan reserve?

The Hon. J. D. CORCORAN: There is some gully erosion of a narrow strip of the cliff on this reserve, adjacent to steps leading from the lookout to the caravan park. It is caused by stormwater draining from the lookout. Pending further work on the lookout that will include diversion of the stormwaters, the national pleasure resorts staff of the Tourist Bureau has kept the erosion in check by periodically filling in the channels. It is planned shortly to carry out a number of works at this reserve, including widening of the park

entrance road, from which filling will be transferred to the eroded area. It is confidently anticipated that this will enable the problem to be progressively eliminated.

LAURA RAILWAY CROSSING

Mr. VENNING: Can the Minister of Roads and Transport reply fully to the question I asked last year about the Laura railway crossing?

The Hon. G. T. VIRGO: I am pleased to reply to the honourable member fully by telling him to refer to page 1842 of *Hansard* of September 30, 1971, where he will find a reply I gave him to the question he asked about this matter on August 31, 1971.

LEGAL ASSISTANCE

Mr. MILLHOUSE: If I can make myself heard above the Ministerial discussion taking place, I desire to ask the Attorney-General whether the Government intends to increase the support to the Law Society for the legal assistance scheme. During the week-end, there was canvassed in the newspaper the question of the length of the committal proceedings in the Port Adelaide Magistrates Court and the fact that senior and junior counsel had been retained for the defendant, through the Law Society. As a result, the President of the Law Society (Mr. Jacobs) commented in the *Advertiser* yesterday, part of his comment being as follows:

However, we—

that is the Law Society and the legal profession—

have no guarantee of even 50 per cent—

that is 50 per cent of costs being paid from funds supplied—

and unless the level of Government support can be raised the plan is in grave danger of collapse as a result of increasing applications and costs.

I do not want to be understood as criticizing the present Government for not having so far increased substantially the grants made to the Law Society for the working of the scheme. This is a matter which the Law Society has put to successive Governments and which those Governments have tried to meet. From this statement and from what I know otherwise, it appears that the volume of Law Society assignments is increasing steeply, and this is causing the situation to which Mr. Jacobs referred in his statement. Because of this, there is now an added need for substantially increased Government assistance.

The Hon. L. J. KING: The Government's policy in relation to legal assistance in this State is that we should aim as far as practicable and as quickly as possible to obtain a state of affairs in which legal practitioners receive from the funds available 80 per cent of their normal costs. The Law Society scheme originated in a state of conditions that were very different from the conditions which obtain at present. Overheads were much lower proportionately to incomes than is the case at present. Therefore, it was possible for the legal profession to conduct a legal assistance scheme out of its own resources, and it did this for over 30 years.

Conditions have changed drastically. Overheads are much higher proportionately to income than they have ever been in the past, and social conditions have changed to such a degree that it is no longer reasonable to expect any profession to provide for the needs of poor persons out of its own resources. The community generally has accepted the responsibility for those of our fellow citizens who lack the means to command the services that they require for a decent life, access to justice being one of those requirements. Since it has come into office, the present Government has seriously considered this problem. In its first year of office, it substantially increased the grant to the Law Society. In the current year it has increased its grant to the society for legal assistance by 50 per cent, from $50,000 to $75,000, at the same time setting in motion a procedure for working towards a full scheme that will ensure that the legal practitioner receives 80 per cent of his proper costs.

The first step has already been taken. Measures have been undertaken by the Law Society to ensure the pooling of sums that are received from applicants under the legal assistance scheme. In that way, after some months of operation, it will be possible to ascertain the true return to practitioners under the scheme, and thereby to assess the financial gap that must be breached if a full scheme, based on 80 per cent return to the practitioner, is to be established. At present, I cannot say what will be done in the next Budget by way of a grant to the Law Society, but I assure the honourable member that the Government will continue to work towards achieving the objectives I have set out. I may say that, for many years, legal practitioners have pointed out that it is only a matter of time before the present scheme collapses unless substantial public finance is available to keep it in existence. I believe that this Government is the first Government to have grappled seriously with the situation.

Members interjecting:

The Hon. L. J. KING: This is the first Government that has recognized clearly that the old scheme cannot continue in its present form—

Members interjecting:

The SPEAKER: Order!

The Hon. L. J. KING: —and is prepared to work out seriously in conjunction with the Law Society—

Members interjecting:

The SPEAKER: Order!

The Hon. L. J. KING: —a scheme that will provide legal assistance for the people of South Australia.

Mr. MILLHOUSE: My question arises out of an interjection made by the Minister of Roads and Transport during the Attorney-General's reply to my previous question. Will the Attorney-General say whether the legislation relating to interest on legal practitioners' trust accounts has been a flop? During the Attorney's reply to me about the legal assistance scheme, he claimed (in my view wrongly) that the present Government was the first to tackle in a realistic way the problem of financial support for the legal assistance scheme, and I interjected, "What about the legislation for interest on trust accounts?" That legislation was passed during the term of office of which I was a member and it contributes directly, or will contribute directly, to the funds available for the scheme. The Minister of Roads and Transport interjected, "Well, that's been a flop." I do not believe it has been a flop, but I should like to know from the Attorney-General whether he thinks it has been.

The Hon. L. J. KING: I did not hear the Minister of Roads and Transport say that that legislation had been a flop, and he was seated right next to me.

Mr. Millhouse: He said it, all right.

The Hon. L. J. KING: Well, that is how I understood it. I would not wish to repeat an observation that has been made, lest the Speaker intervene. The legislation to which the honourable member has referred is an extremely wise and sensible piece of legislation. It has been enacted in every part of Australia, and in most States it was enacted some time before it was introduced in this State. It has made a contribution in relation to the legal assistance scheme. When I said that the present Government was the first to tackle the problem in a realistic way, I meant that the present Government was the first to recognize that it was necessary to provide sufficient funds to support the legal assistance scheme at a level of remuneration that would enable it to survive and that it was not enough merely to make grants or enact legislation providing a fund by way of interest on trust accounts: we must embark on an inquiry into what the trust is actually getting and what is the financial gap that must be breached to make the scheme economically viable. That is what the present Government is undertaking at present, and I repeat what I said earlier, namely, that this Government was the first that had approached the situation realistically.

The Hon. G. T. VIRGO: I ask leave to make a personal explanation.

Leave granted.

The Hon. G. T. VIRGO: Obviously, the member for Mitcham, once again bent on taking a political point, is not past trying to interpret differently something that has been said. The member for Mitcham knows full well that my interjection referred to him, as a former Attorney-General, when I said that he had been a flop, and I repeat that statement. The honourable member knew that that was so.

TRAIN REFRESHMENT SERVICES

Mr. ALLEN: Will the Minister of Roads and Transport elaborate on a report in last weekend's *Sunday Mail* regarding on-train services? The Minister is reported as saying that changes are being made to South Australian railway dining services, and that a mini-buffett is to be attached to the Adelaide-Gladstone service. Further, services will also be introduced during the coming months on the Bluebird on the Mount Gambier, Port Pirie, and Peterborough routes. The Peterborough rail route is the one in which I am mainly interested.

The Hon. G. T. VIRGO: We have been engaged in modifying the Bluebird cars to provide the on-train service described in the newspaper report. This service will consist of light refreshments, including liquor and the first converted Bluebird went into operation last Sunday on the Gladstone line. As the cars are progressively completed at the Islington workshops they will be introduced on the other lines, but I cannot give a specific time table of expected operation. As soon as that information is available, I will inform the House.

MEALS ON WHEELS

Mr. EVANS: Has the Minister of Works as Deputy Premier, in the absence of the Premier, a reply to my recent question concerning the effect of the Community Welfare Bill on the services of voluntary workers for Meals on Wheels and other charitable organizations?

The Hon. J. D. CORCORAN: The Chief Secretary states that since 1970 the State Government has not provided any subsidies for Meals on Wheels Incorporated as a consequence of the passing of Commonwealth legislation which resulted in a subsidy of 10c a delivered meal being paid to organizations such as Meals on Wheels Incorporated. The success of Meals on Wheels rests very heavily on the assistance of its voluntary workers. The Government has no authority to intrude into this organization's activities and, indeed, if such an authority did exist, it would be foolish to bring paid workers into this field of activity which is being so adequately catered for by volunteers.

HOLDEN HILL HOUSES

Mrs. BYRNE: Has the Deputy Premier, in the absence of the Premier, a reply to the question I asked recently regarding the purchase by the Housing Trust of homes at Holden Hill because of building defects?

The Hon. I. D. CORCORAN: Should one of the original purchasers still remaining as a tenant desire to repurchase, the trust would be prepared to negotiate a sale under the present rental-purchase terms provided that an indemnity was signed that the trust would not be liable for any further responsibility relating to the effect of any future soil movement.

ROSEWORTHY COLLEGE

Dr. EASTICK: Will the Minister of Works ask the Minister of Agriculture what progress has been made towards increasing the salaries of instructors at the Roseworthy Agricultural College? The implementation of the Sweeney report in relation to senior lecturers and lecturers at colleges of advanced education has highlighted the fact that the instruction staff, mainly those with diplomas, are apparently at a disadvantage compared to their position before the increases were awarded to senior lecturers and lecturers. This situation can do nothing but harm and, indeed, it could destroy the morale of the instructors and create disharmony generally. I ask the Minister to treat this matter with urgency for the good of the people of South Australia who benefit from the activities of the college.

The Hon. J. D. CORCORAN: I shall be happy to take the matter up with the Minister of Agriculture and obtain a report.

PORT LINCOLN HOUSING

Mr. CARNIE: Has the Deputy Premier a reply to my recent question concerning the allocation of a low-rental house to one of my constituents at Port Lincoln?

The Hon. J. D. CORCORAN: This question was asked by the honourable member last Thursday on behalf of one of his constituents and I promised to get a reply urgently. The applicant mentioned by the member was a tenant of the trust at Port Lincoln from 1966 until 1969 when the family vacated the trust's dwelling to move into private accommodation. The trust received a new application in October, 1971, and wrote on March 3, 1972, asking whether the applicant was still interested in his application and requesting him to provide relevant information.

The trust, in fairness to all applicants, as far as possible considers applications in the date order in which they are received. However, when information is received that an applicant has very special problems, the trust gives immediate consideration to see whether some priority in housing is warranted. In this case, had the trust been aware of the special problems then early consideration would have been given. Now that the trust is aware of the circumstances, an allocation of a low-rental house will be made with as little delay as possible, but this will depend on a suitable dwelling becoming available within a reasonable time.

BOAT SHEDS

Mr. COUMBE: In view of the activities at the Adelaide Festival Centre and the extensions that must be made eventually to make this a complete and viable proposition, perhaps involving the removal and resiting of several boat sheds on the Torrens River, including, the Railways Institute boat shed and possibly the Scotch College and other boat sheds, can the Minister of Roads and Transport say what plans the Government has to relocate these boat sheds and where on the Torrens River they are likely to be located?

The Hon. G. T. VIRGO: A committee was established to examine the problems associated with relocating all facilities that were to be disturbed as a result of the previous Government's decision to establish the festival centre in the position chosen. Regrettably, none of these matters was considered when the decision was made. However, since then arrangements have been made, and provision is being made for the adequate relocation of the South Australian Railways Institute rowing clubhouse

and other buildings that it is necessary to remove to provide the full facilities there.

Mr. Coumbe: Will this involve any other boat clubs?

The Hon. G. T. VIRGO: No. As far as I am aware, the Railways Institute club is the only one involved in the consideration by this committee. Presumably, other boat clubs are making their own arrangements, and I understand this is satisfactory.

ABORTION

Dr. TONKIN: Has the Attorney-General a reply from the Minister of Health to my recent question about abortion?

The Hon. L. J. KING: My colleague states that the Government accepts the need for further studies of the circumstances leading up to, surrounding, and resulting from abortions in South Australia. Certain preliminary studies have been undertaken to date. An excellent article on this subject has been published in the *Medical Journal of Australia* by Dr. Aileen Connon. In addition, the Minister has been told that a more detailed study of the presence or absence of psychological *sequelae* following abortion has been undertaken by a psychiatrist working within the mental health services. This pilot study, involving the follow-up of patients after abortions at four-week and six-month intervals, has not been finalized, but preliminary results were presented in a paper delivered last year at a joint meeting of the local branches of the Australian and New Zealand College of Psychiatrists and the Royal College of Obstetricians and Gynaecologists. It is agreed that the psychological and social aspects of abortion warrant additional study in depth and, with this in mind, the Government gave approval several months ago to the creation of the position of a full-time social worker who could work exclusively on the social aspects of abortion in association with the Abortion Advisory Committee. Professor L. Cox, Professor of Obstetrics and Gynaecology at the University of Adelaide, acting as a member of the committee, has agreed to supervise the research aspects of such social studies. It is hoped that this newly-created position may be filled by a suitably qualified and experienced applicant within the next three to four weeks. The involvement of further personnel in such studies will be examined further by the Government after the social worker has taken up her appointment and after further consideration of the situation by members of the Abortion Advisory Committee.

MORPHETTVILLE PARK SCHOOL

Mr. MATHWIN: Has the Minister of Education a reply to my recent question regarding sealing work at the Morphettville Park Primary School?

The Hon. HUGH HUDSON: I thank the honourable member for his question and I see that he is back in the House, smiling cheerfully.

The Hon. G. T. Virgo: He had a pleasant meeting with the ex-Leader.

The Hon. HUGH HUDSON: Tenders for resealing paved areas at the Morphettville Park Primary School closed on March 17 and, subject to a tender being considered acceptable, every effort will be made for the early letting of a contract.

STUDENT TEACHERS

Mr. VENNING: Has the Minister of Education a reply to my question about students who repeat their Matriculation year to gain entry to a teachers college?

The Hon. HUGH HUDSON: On behalf of the Minister of Roads and Transport, I congratulate the honourable member on asking the correct Minister for a reply that he has not yet received. Students who repeat their Matriculation year to get a better pass are not downgraded for entry to teachers colleges. University selection committees, however, are empowered by their respective university councils to make slight downward adjustments to the aggregate marks of applicants who have repeated the Matriculation examination. The medical selection committee, before placing applicants in order of merit, deducts 5 per cent from the aggregate mark obtained at a second or third attempt at the Matriculation examination. Other faculties consider individual cases, especially marginal ones, on their merits. This information is printed on the application form for admission to the universities or to the South Australian Institute of Technology. It does not apply to applicants for admission to teachers colleges.

YOUNG PEOPLE'S HOUSING

Dr. TONKIN: I wish to ask the Attorney-General a question supplementary to one I asked when the House was considering another matter some days ago. Will the Minister of Social Welfare say where young people who are under the care and control of the Minister and who are working out in the community are housed when their working arrangements break down? Having raised this matter in other proceedings recently, I point out that, when

young people working out in the community lose their jobs for some reason or another, they have in the past been returned to Windana or some other closed institution.

The Hon. L. J. KING: During the debate to which the honourable member has referred I gave some general indication of the attitude that I should like to see adopted towards this matter. However, I will give him a considered reply to the specific question he has asked today.

SOUTH-EAST TOURISM

Mr. RODDA: Has the Deputy Premier a reply to my recent question about tourism in the South-East?

The Hon. J. D. CORCORAN: Inquiries have been made regarding the statement by the Commonwealth Minister in Charge of Tourist Activities that the New South Wales State Government itself preferred to handle grants to regional tourist associations and did not seek Commonwealth assistance, and these inquiries substantiate that that is the view of the New South Wales Minister. The Minister of Development and Mines recently approved in principle the payment of a Government subsidy to regional tourist associations in South Australia to help them with their advertising campaigns. The approval, which is subject to its being possible to provide funds in the 1972-73 Budget, aims for a subsidy on a one Government to two local basis up to a maximum of $1,000 a year for each region for advertising and publicity programmes approved by the Minister.

NORTH ESPLANADE

Mr. BECKER: I wish to ask the Minister of Environment and Conservation a question that is supplementary to the one I recently asked about North Esplanade, Glenelg North. Will the Minister re-examine his reply to my question of March 23, when I asked whether tenders had been let for work on North Esplanade, Glenelg North, and, if they had been, what was the quotation of the successful tenderer, what work would be undertaken, and how long it would take to complete. On March 23, the Minister replied:

> Tenders for work on North Esplanade, Glenelg North, are at present being examined by the Foreshore and Beaches Committee. A tender will be let as soon as possible.

I therefore ask whether work was commenced by a contractor before the tender was let and, if it was, who authorized the contractor to start. On the other hand, was the tender let but the Minister not informed by the appropriate officers? I seek the truth in this matter.

The Hon. G. R. BROOMHILL: I shall be pleased to examine the point made by the honourable member and to clear up any confusion that may exist.

MILK BOTTLE CODES

Mr. MATHWIN: Has the Attorney-General a reply from the Minister of Health to the question I asked on March 16 about milk bottle codes?

The Hon. L. J. KING: The Minister of Health states that there has been a uniform method of coding milk bottles since October, 1971. The word "pasteurised" is required to be printed or stamped across the centre of the cap. A dot is placed above the first letter "S" of the word "pasteurised" to signify Sunday as the day of bottling. The dot progresses for each day of bottling, above each letter in turn to the right, until on the seventh day it is located above the second letter "S", signifying Saturday. Some caps contain other figures or letters, but they are company markings and do not relate to the day of bottling.

ABORIGINAL AFFAIRS MEETING

Mr. ALLEN: Can the Minister of Aboriginal Affairs explain why the member for Eyre and I were not invited to attend the meeting which was organized by the Social Welfare and Aboriginal Affairs Department and held at Port Augusta on March 13? My attention has just been drawn to the fact that this meeting was held, and I understand that invitations were sent out to Aborigines in the North, including those at the Nepabunna Mission in my district. The fares were paid for the Aborigines concerned to attend this meeting, which was chaired by Mr. Keneally (I have no complaint about that, as the meeting was held in Port Augusta, in his district). However, as many Aborigines invited to this meeting came from my district and from the district of the member for Eyre, I should like to know why were we not informed of the meeting so that we could attend and represent our constituents.

Mr. Gunn: Sheer discourtesy!

The Hon. L. J. KING: As I am not aware of the precise circumstances in which this meeting was organized, I will inquire and ascertain the position.

RURAL ECONOMY

Mr. CARNIE: Has the Minister of Works a reply to my recent question about the rural economic report?

The Hon. D. J. CORCORAN: The Minister of Agriculture has informed me that a copy of this report came into his hands only last Thursday, and he has not yet had an opportunity to study it in detail. Until he has read and considered the report he will not be able to comment on it.

THE LEVELS ENTRY

Mrs. BYRNE: Will the Minister of Roads and Transport examine the ways and means of making safer the exit from the South Australian Institute of Technology complex at The Levels? I recently received letters from two constituents drawing my attention to what they claim is a highly dangerous situation at the junction of Main North Road and Warrendi Road at The Levels. This intersection is used by staff and students to enter and leave the campus. It is pointed out that the most dangerous period is from 4.30 p.m. to 5.30 p.m., when home-bound traffic from Adelaide passes the exit. The only way for commuters from the institute to cross the Main North Road is to pick a gap in the fast-moving stream and rely on the engine (which may still be cold) responding to a quick press of the accelerator. It is further stated that, to make the situation more hazardous, some traffic coming from the south-bound carriageway is trying to get into the campus at the same time. Both writers fear there will be an accident.

The Hon. G. T. VIRGO: I shall be pleased to look at this matter. However, it is only fair to point out that the road to which the honourable member refers is subject to a 45 miles an hour speed limit and it appears, from what she has said, that at least some motorists are not observing the speed limit. It may be a question for the police to look into and, if it is, I will arrange for that to happen.

UNLEY PEDESTRIAN CROSSING

Mr. MILLHOUSE: Will the Minister of Roads and Transport take up with the Road Traffic Board the reason for its apparently inordinately long delay in answering the letter from the Unley City Council concerning standardization of pedestrian traffic crossings on all main arterial roads in the area of the City of Unley? I am informed that the council originally wrote to the board on July 6, 1971, but did not receive a reply until some time in March, 1972, the letter being dated March 6, 1972. That is a delay of about eight months. Last evening I was informed that the council had passed a resolution indicating its concern at the apparent inefficiency and tardiness of the board in considering its request, originally made last July, that its proposals be fully assessed. It has been suggested that, if the Minister will use his good offices with the board, it may have more effect than the council resolution is likely to have.

The Hon. G. T. VIRGO: If, as the honourable member has said, the council passed a resolution last evening, I am sure that the Town Clerk of Unley, who is a most capable officer, will have no difficulty in communicating with me and, when he does so, I shall be pleased to take the matter up officially on behalf of the Unley council.

The SPEAKER: The honourable member for Rocky River.

Mr. Millhouse: What about the delay?

The Hon. G. T. Virgo: I am not taking your word for what may or may not have happened at the council meeting.

The SPEAKER: Order!

Mr. MILLHOUSE: I ask leave to make a personal explanation.

The SPEAKER: Order! The honourable member for Rocky River was on his feet and was called. The honourable member for Rocky River.

SCHOOL DENTAL SERVICES

Mr. VENNING: Will the Attorney-General, representing the Minister of Health, clarify the present policy of the Government regarding free dental services for secondary schoolchildren in South Australia? I recently received a letter from a parents committee of a northern school in my district, requesting the local member to obtain from the Government information on its policy concerning free dental services for secondary schools.

The Hon. L. J. KING: I will refer this matter to the Minister of Health.

Mr. NANKIVELL: Will the Deputy Premier take up with the Minister of Health the possibility of making available to students of St. Joseph's Convent at Pinnaroo the services at present provided at the Pinnaroo school by the mobile dental health clinic? I have previously asked the Minister of Health whether the students of this convent school might have their teeth examined by the dentist in charge of the mobile clinic, and this was agreed to. However, I am now asking that the services of the dentist in question be extended to doing whatever work is necessary on the children's teeth, in line with the present practice in respect of the children at the adjoining primary school.

The Hon. J. D. CORCORAN: I shall be happy to take up this matter with my colleague. For the honourable member's information, I point out that the service desired by the honourable member is provided in Millicent: not only is an inspection made of the teeth of the children attending the convent school in Millicent but also the necessary dental work is carried out by the school dentist. I am sure that the children concerned at Millicent are not singled out for any special treatment, so the children of the honourable member's constituents should receive similar treatment. I am including this comment only to help the Minister of Health in his deliberations on the matter.

PARLIAMENT HOUSE WORKING CONDITIONS

Mr. MILLHOUSE: Could you, Mr. Speaker, say under what conditions the staff of Parliament House works when the House sits late at night and into the following morning? When I took part yesterday morning in a talk-back programme on a commercial radio station, one of the questions I received related to the working conditions of a number of women. Those working conditions were described during the talk-back as working during the day and then a break at mealtime. These women were then required to work on for many hours into the early morning without a further break. I will not go into all the details, but the name of the employer was not given over the air, although the caller said that the place he referred to was on North Terrace. It was suggested to him that this matter should be referred to the Labour and Industry Department because, if conditions were anything like those described, investigation and correction were necessary. The Rev. Mr. Adcock, who was on the session with me, murmured something about slave labour. When the caller gave the name of the employer off the air to the switchboard attendant, he said he was referring to the staff at Parliament House.

I wish to make clear that no member of the staff here has mentioned this to me personally. The matter was raised by this caller who said that it was not right that members of the staff, especially the girls, should be required to work as they do. I hasten to point out that this state of affairs is entirely the result of the legislative programme of the Government and the Government's insistence that night after night we sit late. Last week we sat for three late nights.

The Hon. J. D. Corcoran: Don't be so stupid.

Mr. MILLHOUSE: The Minister says—

Members interjecting:.

Mr. MILLHOUSE: The Minister said earlier that I was leading people up the garden path—

Members interjecting:

Mr. MILLHOUSE: The fact is that, when we do sit late, it is as a result of the insistence of the Government, and members of the staff have to stay back and take part and do their duty.

The Hon. G. T. Virgo: Isn't it the result of filibusters staged by the Opposition?

Mr. MILLHOUSE: There are no filibusters by the Opposition. I challenge the Minister of Roads and Transport to point to any. There have certainly not been any this session.

The Hon. G. T. Virgo: Ask the member sitting behind you. He admitted it on the Road Traffic Bill.

Members interjecting:

The SPEAKER: Order!

Mr. MILLHOUSE: This question has been put to me, and put to me publicly. I know you, Mr. Speaker, are not the Chairman of the Joint House Committee, but you are in charge of the administration on this side of the building and a member of that committee. Therefore, I want to know what are the conditions under which the staff works when we are kept here until 2 a.m. or 3 a.m.

The SPEAKER: It is difficult to determine just what staff the honourable member is referring to.

Mr. Millhouse: The girls, especially.

The SPEAKER: All members of the staff of Parliament House work under appropriate awards and determinations. As the relevant information can be obtained from the Government Printer, I suggest that the honourable member can satisfy himself in that way.

SUNDRY DEBTS

Mr. BECKER (on notice): What steps have been taken to speed up the collection of sundry debts owed to the South Australian Railways as suggested under the subheading "Sundry Debtors" on page 154 of the Auditor-General's Report for the financial year ended June 30, 1971?

The Hon. G. T. VIRGO: The procedures laid down for the collection of debts owing to this department are considered to be satisfactory. Every effort is made to ensure that debts are collected as soon as possible.

RAILWAY EXPENDITURE

Mr. BECKER (on notice): What steps have been taken to prevent payments in excess of approved expenditure in the South Australian Railways, as referred to on page 153 of the Auditor-General's Report for the financial year ended June 30, 1971?

The Hon. G. T. VIRGO: It has been impressed on the officers concerned the requirement to seek revised approvals when the authorized amount is likely to be exceeded.

RAILWAY STORE

Mr. BECKER (on notice): Have security measures at the Mile End railway store been tightened as suggested under the subheading "Copper Wire Stolen from Mile End Store" on page 154 of the Auditor-General's Report for the financial year ended June 30, 1971?

The Hon. G. T. VIRGO: Yes.

REFERENDUM VOTING

Mr. MILLHOUSE (on notice):

1. How many electors have been prosecuted for failing to reply to a notice sent to "electors who appear to have failed to vote at the referendum" concerning the referendum held on September 19, 1970?

2. How many of these complaints have been heard?

3. How many are awaiting hearing?

4. When will they be heard?

5. How many of those prosecuted have been convicted?

6. Have any other prosecutions been initiated in connection with the said referendum? If so, for what offences?

The Hon. L. J. KING: The replies are as follows:

1. 197. An additional 117 electors consented to be dealt with by the Returning Officer for the State.

2. All heard or withdrawn.

3. Nil.

4. All cases finalized.

5. 107.

6. No.

SOUTHERN DISTRICT HOSPITAL

Mr. MILLHOUSE (on notice): What plans, if any, has the Government for a hospital to serve the Christies Beach and Morphett Vale area?

The Hon. L. J. KING: The Government is taking all steps possible to expedite the construction of the new Flinders Medical Centre, which has been planned from the outset to admit hospital patients from the Christies Beach and Morphett Vale areas in addition to patients from other surrounding districts, such as Brighton, Marion, Glenelg, Colonel Light Gardens and Mitcham. This new complex of 680 beds at Flinders University is estimated to cost $30,000,000, and current progress indicates that 65 medical students will be able to be admitted to the first year of the new medical course in 1974, thus providing a substantial increase in the number of potential medical graduates for future community medical needs. Provision has been made for the admission of public or private patients to the Flinders Medical Centre under the care of both specialists and general practitioners. A department of community medicine is planned. Although land has been reserved by the South Australian Housing Trust in the vicinity of Christies Beach for the long-term development of community hospital facilities to be associated with back-up services from the Flinders Medical Centre it is not intended to duplicate the building of hospital beds at the two sites at the same time, as this could lead only to an imbalance of clinical activities and teaching requirements to the detriment of student numbers at the Flinders site. The Government is aware of the pressures of work being faced by general practitioners in the Noarlunga district, and is currently exploring alternative methods of assisting general practitioners in the area pending the completion of the ward units at the Flinders Medical Centre.

ABSCONDERS

Mr. BECKER (on notice):

1. How many inmates of McNally Training Centre have absconded each year during the past five years?

2. Is absconding from the home an offence carrying additional punishment?

The Hon. L. J. KING: The replies are as follows:

1. 1967, 75; 1968, 109; 1969, 86; 1970, 120; and 1971, 192.

2. Yes, in some cases. Section 123 (2) of the Social Welfare Act, 1926-1971, creates an offence and provides that, on conviction, a child shall be liable to detention in an institution for the unexpired portion of the period during which he remains a State child. If an absconding child has already been committed to an institution until he is 18 years of age, there can be no additional punishment involved.

CENSORSHIP

Mr. MILLHOUSE (on notice): What is the policy of the Government on censorship?

The Hon. L. J. KING: The Government's policy still remains the same as stated by the Attorney-General on September 2, 1970, in the House. It is recorded in *Hansard* at page 1208.

GLENELG COMMUNITY HOSPITAL

Mr. MATHWIN (on notice):

1. Will the Government give financial assistance to the Glenelg Community Hospital for the building of either a 100 or 200-bed extension?

2. If so, how much and for which will assistance be given?

3. If no assistance is to be given, why not?

The Hon. L. J. KING: The replies are as follows:

1. Although representations have been made to the Chief Secretary on this matter, no formal approach for 100 or 200 bed extensions at the Glenelg District Community Hospital has been made by the board of management of the Glenelg District Community Hospital.

2. Approval has been given by the Government for the board of management to proceed with the design of improved obstetric and service facilities at the hospital.

3. The issue of further extensions in the long term beyond those outlined in 2 above will be raised with the board of management with particular regard to local needs and the availability of the board's finances.

SOUTH AUSTRALIAN BOARD OF ADVANCED EDUCATION BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to establish a Board of Advanced Education; to define its powers and functions; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

The introduction of this Bill marks another stage in the implementation of the recommendations of the Karmel report on education in South Australia. The Government intends that the Board of Advanced Education will act to co-ordinate, rationalize and produce a balanced system of tertiary education outside the universities to meet the needs of the people of this State for tertiary education and training. The Bill is also another step in releasing the teachers colleges from control by the Education Department and establishing them as autonomous colleges in collaboration with the Board of Advanced Education. The Government announced this intention at the end of 1970, and interim councils have already been established in each teachers college. The passage of this Bill will enable these colleges to be proclaimed as colleges of advanced education, along with the South Australian Institute of Technology, the Roseworthy Agricultural College, the South Australian School of Art and other colleges from time to time. It will facilitate the development of the Torrens College of Advanced Education.

It is worth noting that most other States have found it desirable to establish similar bodies. It is also noteworthy that some of the recommendations in the report recently released by the Standing Committee of the Senate with reference to the Commonwealth's Role in Teacher Education are reflected in this Bill, the passage of which will give us a very good base from which to consider further developments arising from that report. The principle of accreditation established in this Bill is an important step in ensuring adequate standards, and in enabling both graduates and diplomates to gain State-wide and national recognition of their awards.

Clauses 1 to 3 are formal, while clause 4 is definitional. I draw attention to the definition of a college of advanced education. This not only excludes the universities from the operation of this Bill but relates also to clause 5, which provides a simple mechanism for identifying the colleges which are to be brought within the ambit of the Board of Advanced Education.

Clause 6 incorporates the board as a statutory body in the normal way. Under clause 7, the Chairman is to be appointed by the Governor, and will be a full-time member and chief executive of the board. The other members will be part-time members of the board. There will be a small secretariat to assist the Chairman in carrying out the executive functions of the board. The remaining subclauses determine the eligibility of the Chairman for appointment and the method of his removal from office. The Bill provides that the Chairman shall be appointed for a term not exceeding seven years in the first instance. This conforms with current practice in other States and the Commonwealth in relation to this type of appointment.

Clause 8 provides that the board will consist of 15 members drawn from the Education Department, the two universities, the Institute of Technology, the colleges themselves, secondary education, and from persons not engaged directly in education. With the

membership of 15 it is considered that the board is large enough. As honourable members will note from the functions and duties required, the board will act as an independent body making recommendations in some areas and implementing decisions in other areas. It has not been conceived as a forum in which each college or particular interest is represented for the purpose of pressing for its own particular programmes. In these circumstances it is not desirable for every college or area of interest to have separate and direct representation. Such a board would become unwieldy and ineffective. There is sufficient college representation for college views to contribute to the general good, and the elective processes incorporated in the Bill give full opportunity for the various colleges to participate as elected members change from time to time. There will also be ample opportunity for direct college participation in the working committees which are provided for and which will characterize much of the work of the board. As a number of the members will be *ex officio* in their appointments and others are to be elected from defined electorates in the colleges, the Bill provides that any such member of the board who leaves the employment which gave him eligibility to be a member shall vacate his membership of the board.

There are the usual kinds of provision covering the creation of casual vacancies, and the appointment of acting members. There are also the normal kinds of clause governing the calling and conduct of meetings. Within the provisions of the Bill, the board will be free to determine the conduct of its own business. The Bill also provides in clause 9 that part-time members will be appointed for a term of two years and that members will be eligible for re-appointment. Clause 13 provides for the payment of allowances and expenses necessarily incurred by board members in carrying out their functions. Clause 14 sets out the broad functions of the board in promoting and developing a balanced system of advanced education, outside the universities, in this State. The board is to promote public interest and the students' interests in the provision of advanced education, particularly vocational education and training. This clause also stresses that the board will be required to act in collaboration with the colleges, the Australian Commission on Advanced Education, the Australian Council on Awards in Advanced Education and with other properly established bodies operative in the field of education. By clause 15 the board is charged with the duty of keeping all aspects of advanced education under review and encouraging research into problems of advanced education. The clause also involves the board in the functions of rationalizing present facilities and forward planning for future needs.

Clause 16 establishes the accreditation of college courses as a function of the board. The necessity for these clauses arises from the joint action of the Commonwealth and all States in establishing the Australian Council on Awards in Advanced Education. That council has been charged by the seven Governments with promoting conformity in nomenclature and standards of awards through establishing guidelines for these purposes in colleges of advanced education throughout Australia. That council will only consider applications for accreditation of courses which come through, and are supported by, the various State boards. The Bill establishes our Board of Advanced Education as the agent and an integral part of the operations of the Australian Council on Awards. It is hoped by this means to develop accepted standards and common nomenclature for degrees and diplomas which will establish the college awards in the community, and ensure their recognition and acceptance by parents, students, employers, Governments and professional organizations. Additional advantages will accrue to graduates and diplomates from the portability of nationally accredited qualifications. Indeed, it is not too much to hope that such awards will acquire international currency in a relatively short space of time. The process does to some extent limit the autonomy of the individual college in this area. However, each college gains from the wider currency of the awards which it confers on its graduates and diplomats. Subclause (7) preserves the operations of the South Australian Technicians Certificate Board.

Clause 17 places on the board the duty of receiving and reviewing the budgets of the colleges and making representations to the Minister on the allocation of funds to the colleges. This ensures to each college the right to prepare its own budgets, both capital and recurrent, in the light of its own needs and its own decisions for development. As the board is charged to act in collaboration with the colleges, each college will be able to discuss its budget with the board as it is under review. When the Government has made its determination on the funds to be provided each college will be required to operate within the budget allocated to it. Each college will have internal autonomy over its own affairs subject to the

limits attaching to the budget. Subclause (1) (*d*) of clause 17 is included to ensure that salary scales and general conditions of employment within the college system will be subject to some process of central review. The South Australian Institute of Technology, Roseworthy Agricultural College, the teachers colleges and the School of Art have each had the salaries and conditions of staff employment fixed in different ways in the past. It is manifestly impossible to have some eight to 10 separate councils fixing different conditions for as many colleges in the same broad group under a Board of Advanced Education. The result could be chaotic. It is expected that the Institute of Technology will set the standard for salaries payable in other colleges. The provision for issuing proclamations will enable this process to develop as and when appropriate. I emphasize that clause 17 requires the board to receive and review representations from the colleges on these matters and make representations to the Minister thereon. As the board is to collaborate with the colleges, it will be able to lay down the broad conditions relating to salary and conditions, leaving the colleges to implement these within their own college. I emphasize further that there is nothing in this Bill to enable the board to make appointments to college staffs or to determine any matter of salary or employment for any individual staff member of a college. These things remain the province of the college. There is thus a division of responsibility with the general responsibility in the hands of the board and the specific responsibilities resting with the councils of the respective colleges.

Clause 18 permits the board to establish committees to assist in the performance of its duties. These will obviously be needed in the areas of accreditation, research, finance and forward planning. Expenses and allowances (if any) involved in these committees are subject to Ministerial approval. It will be in this committee area of the board's activities that the colleges will have a direct voice. Subclause (2) of clause 18 enables the board to appoint knowledgeable people to assist in specific areas. Clause 19 empowers the board, subject to Ministerial approval, to appoint the necessary staff. Clause 20 excludes the board from the operations of the Public Service Act as a statutory body, but clause 21 confers on the Chairman and staff the right to participate in the South Australian Superannuation Fund. Clauses 22 to 25 relate to annual reports, the auditing of accounts, etc., and the power to make regulations. They represent the normal provisions for legislation of this type. I commend the Bill to the consideration of honourable members.

Mr. GOLDSWORTHY secured the adjournment of the debate.

SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to provide for the continuation of the South Australian Institute of Technology; to provide for its administration and define its powers, functions, duties and obligations; to repeal the South Australian Institute of Technology Act, 1892-1967; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

The South Australian Institute of Technology had its origin in the South Australian School of Mines and Industries, which was established in 1889. Three years after its opening, a special Act of Parliament established the School of Mines with an autonomy not shared by any other technological institute in Australia until the recent accelerated development of colleges of advanced education in all States to provide venues for tertiary education outside the universities.

Almost from the beginning of its history, the South Australian School of Mines and Industries has had an association with the University of Adelaide and has provided some teaching for students of that university in the engineering fields. In 1957, this arrangement was formalized, when the institute offered, for the first time, courses leading to the award of degrees of the university in applied science and technology, and, later, pharmacy. In 1960 the name of the South Australian School of Mines and Industries was changed to the present South Australian Institute of Technology.

With the entry of the Commonwealth Government into the funding of advanced education, considerable changes in the function of the institute occurred. Although there are currently students enrolled at the institute in courses for degrees of the University of Adelaide, no new students have been enrolled in such courses since 1969. The current professional level courses of the institute lead to the award of a Diploma in Technology. In technology, applied science and pharmacy, the Dip. Tech. courses are identical to those leading to the university degrees.

The Government has agreed that the institute should be empowered to award its own degrees subject only to their meeting the accrediting requirements of the newly formed Australian Council for Awards in Advanced Education. The institute is withdrawing from teaching those courses pitched below advanced education level, and is progressively transferring its first level technician courses to the Education Department. In relation to its present functions, the existing Act governing the institute's operations has become outdated, and the council of the institute has requested new legislation.

The present Bill follows extensive discussion in the council of the institute and in its major subcommittees. The proposals have been discussed by, and commented upon, by the Academic Staff Association, the Ancillary Staff Association, and the South Australian Institute of Technology Union. The council appointed a special subcommittee to examine and suggest alterations to its Act, and employed the services, as a consultant, of Sir Edgar Bean, a former Parliamentary Draftsman.

Whilst agreement of all parties has not been reached on all matters contained in the Bill, it is believed to represent as reasonable a compromise as could be obtained. It will provide legislation more consistent with the present educational philosophy and objectives of the institute. Apart from conferring the power to award degrees, the most significant provision of the Bill is to be found in those sections providing for new council membership. The present council consists of 19 members. Two are members of the academic staff elected by that staff. One is the Director. One must be an officer of the Education Department, nominated by the Minister, and 15 are members appointed by the Governor.

The new Bill provides for a council of 21. Five of these will be members of the academic staff elected by that staff; one will be a member of the ancillary staff elected by that staff; and two will be students of the institute, and this will provide for membership from the student body for the first time. The Director will continue to be a member of the council, and there will be 12 persons appointed by the Governor on the nomination of the Minister.

The new constitution of the council is considered to offer a membership more in keeping with the democratic principles necessary for the proper government of a tertiary educational institution.

Regarding the provisions of the Bill, clauses 1 and 2 are formal. Clause 3 sets out a number of definitions necessary for the purposes of the new Act. Clause 4 repeals the existing legislation and ensures the necessary continuity of actions taken under that legislation. Clause 5 also ensures continuity and formalizes what are the present functions of the institute. Clause 6 provides for the continuance of the status of the Council of the South Australian Institute of Technology without change of its corporate identity. Members will be interested to know that the council, not the institute, will be a corporate identity. Clause 7, subclause 1, provides that the council continues to be constituted in accordance with the repealed Act until a day to be fixed by proclamation. Subclause 2 establishes the constitution of council which I have already outlined.

Clause 8 sets out the various terms for which the members will hold office. It contemplates that other conditions of office may be prescribed by statute. Where a member does not continue in the capacity in which he was elected a member of the council, he may continue in this membership until the next election to fill the casual vacancy is held. Clause 9 provides that there shall be a President and Vice-President of the council, that the term of their office and the conditions upon which they hold office, their powers, functions and duties, shall be prescribed by statute. The clause also provides for the continuance in office of the present incumbents; that is, of course, under the new council.

Clause 10 relates to the conduct of the council's business. Clause 11 provides that no decision or proceedings of the council, or of any of its committees or boards, shall be invalid by reason only of a vacancy in the office of any member of the council, committee or board. Clause 12 provides for the management of the institute by the council, that it shall be the governing authority of the institute, may appoint and dismiss staff, and shall have power to perform any act necessary or expedient for the administration of the institute and the execution of its functions.

Clause 13 empowers the council to confer fellowships, degrees, diplomas, certificates, or other awards upon persons who comply with the prescribed requirements. The council is also empowered to confer awards *ad eundum gradum* on persons deemed deserving of them by reason of their attainments or public services. Subclause (3) empowers the council to award scholarships, financial assistance, or other privileges or concessions in relation to

tuition. Clause 14 provides for the appointment of a Director of the institute responsible to the council for the management and conduct of the institute. The clause also provides for the continuance in office of the present Director.

Clause 15 provides the legislative authority for the placing of Crown land under the care, control and management of the institute council. Subclause (3) provides that the Minister may acquire land for the purposes of the institute under the Land Acquisition Act. Clause 16 provides that the council shall keep proper accounts of its income, expenditure, and other financial transactions, and that the accounts shall be audited annually by the Auditor-General.

Clause 17 requires the council to report to the Governor, and a copy of the report is to be laid before Parliament. Clause 18 provides that the council has power to make statutes on certain enumerated matters. Any statute made must be submitted to the Governor for confirmation, after which it shall be published in the *Gazette* and laid down before Parliament. Clause 19 empowers the council to make by-laws regulating conduct and vehicular traffic on the institute grounds. These by-laws must also be submitted to the Governor for confirmation and be laid before Parliament. Subclause (6) provides for proceedings against students or staff of the institute in respect of offences against a by-law to be heard and determined by a board of discipline established under the statutes.

Clause 20 is procedural and deals with the validity and effect of statutes and by-laws. Clause 21 provides that the council shall not discriminate against or in favour of any person on grounds of sex, race, or religious or political belief.

Mr. COUMBE secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act, 1935-1971. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It makes a number of amendments to the Supreme Court Act. The most important of these is the insertion of a provision empowering the court to award interest upon the amount of a judgment debt prior to the date of the judgment. The amendment corresponds with an almost identical amendment proposed to the Local and District Criminal Courts Act. The Bill also does away with the restriction upon the number of puisne judges of the Supreme Court. The present position here is that the number of judges is specified in the Supreme Court Act (a provision which was originally inserted in the infancy of the State but which does not exist in other States). When the member for Mitcham introduced the amendments constituting the judiciary under the Local and District Criminal Courts Act, there was no provision in that measure limiting the number of judges. Such a limit seems to me to be somewhat unnecessary in our present society, which is much more extended than it was when the Supreme Court was first instituted, and this opportunity was taken to abolish the limit in that Act.

The effect would be to leave to the Government of the day the determination of the number of judges required from time to time on the Supreme Court bench. This is merely a case of taking the opportunity presented by an amendment to the Act; there is no present intention to increase the number of Supreme Court judges.

The Bill also brings the procedure applicable to the committal of accused persons for trial or sentence at the circuit sittings of the court into conformity with procedure applicable at the Adelaide sittings of the court. Clauses 1 and 2 are formal. Clause 3 amends section 7 of the principal Act by removing the restriction upon the number of puisne judges of the Supreme Court. Clause 4 provides for the award of interest upon judgment debts. Clause 5 amends section 57 of the principal Act. This section provides that an accused person is to be committed for trial or sentence at the circuit sittings of the court commencing not less than seven days after the date of the committal order. This period is 14 days under the Justices Act, and accordingly the provisions are brought into conformity. The court or commissioner is, however, empowered to modify the requirements of the Act in an appropriate case.

Mr. MILLHOUSE secured the adjournment of the debate.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Local and District Criminal

Courts Act, 1926-1971; and to make consequential amendments to the Criminal Law Consolidation Act, 1935-1971; the Evidence Act, 1929-1969; the Juries Act, 1927-1971; the Justices Act, 1921-1969; the Poor Persons Legal Assistance Act, 1925-1969; and the Prisons Act, 1936-1971. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It makes a number of important amendments to the Local and District Criminal Courts Act. First, the Bill strikes out the designation "Recorder". This term is used by the principal Act in relation to a judge of the court sitting in the exercise of criminal jurisdiction. The separate designation is not necessary and has not found favour with the judges of the court. The Bill confers upon a local court an ancillary jurisdiction to pronounce declaratory judgments and to exercise the powers of a court of equity where that jurisdiction is necessary or expedient for the just determination of proceedings before the court. It was probably intended that this kind of jurisdiction would be conferred by the existing section 35e. However doubts have been raised as to whether that section is in fact effective to confer the desired jurisdiction.

The Bill amends the provisions of the principal Act under which the court is empowered to pronounce a declaratory judgment in negligence proceedings and make interim awards of damages. It is felt that some legal practitioners may have been discouraged from utilizing these provisions because no means at present exist to transfer the proceedings to the Supreme Court where it appears that the total award of damages is likely to exceed the jurisdictional limit of the local court. The Bill accordingly inserts provisions enabling a plaintiff to transfer the proceedings to the Supreme Court upon filing a certificate that the award of damages is likely to exceed the jurisdictional limit of the local court. The defendant may also have the proceedings transferred to the Supreme Court if he satisfies a judge of the Supreme Court that the award of damages is likely to exceed the jurisdictional limit of the local court.

The Bill provides power for the local court to award interest upon the amount of a judgment debt. Subject to any direction of the court, the interest is to be at the rate of 7 per cent, and will run from the date of the commencement of the action where the claim is unliquidated, and will run from the date on which the right of action arose, where the claim is liquidated. Many delays are occurring in our judicial system because of the dilatory behaviour of some litigants. It is felt that the provision for the award of interest will have a very beneficial effect in speeding up the judicial process. Provisions of similar effect exist in the United Kingdom and Victoria, and have worked well. At present all appeals from local courts must be heard by the Full Supreme Court. Appeals from local courts of limited jurisdiction and special jurisdiction do not, in general, warrant consideration by the Full Court. Accordingly the Bill provides for these appeals to be heard by a single judge. Of course, that judge may still refer an appeal to the Full Court where he considers that the importance of the matters in issue make it desirable that the Full Court should pronounce upon the appeal. The Bill makes a number of other formal amendments to the principal Act. Amendments consequential upon the removal of the title "Recorder" are made to the Criminal Law Consolidation Act, the Evidence Act, the Juries Act, the Justices Act, the Poor Persons Legal Assistance Act, and the Prisons Act. The provisions of the Bill are as follows:

Clauses 1 and 2 are formal. Clause 5 does away with the requirements that a local court office must be established at or near the place where the court is held. As a matter of policy these officers have been, and will in future be, established near the location of the court wherever it is practicable to do so. However, there are a few instances where it is not practicable to implement this policy. In these cases the provision removed by the Bill has not been complied with for many years. The amendment accordingly brings a practice of long standing into conformity with the law. Clause 6 empowers a local court to grant ancillary declaratory and equitable relief. Clause 7 provides for the removal of proceedings into the Supreme Court where proceedings for interim assessment of damages have been commenced, and it subsequently appears that the total award of damages will exceed the jurisdictional limit of the local court. Clause 8 empowers the court to award interest on the amount of a judgment debt. Clauses 9, 10 and 11 provide for appeals from local courts of limited or special jurisdiction to be heard by a single judge of the Supreme Court. Clauses 12 and 13 clarify the procedure of the court where the plaintiff fails to appear at the hearing of an action. Clauses 14 to 19 correct errors in the principal Act. The remaining provisions of the Bill remove

references to "Recorders" and replace them with references to the judge of the court.

Mr. MILLHOUSE secured the adjournment of the debate.

CROWN PROCEEDINGS BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to provide for suits by and against the Crown; to amend the Supreme Court Act, 1935-1971; and for other purposes. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It is to simplify the conduct of proceedings against the Crown. At present the procedure for proceedings of this kind is governed by Part V of the Supreme Court Act. While the provisions of the Supreme Court Act in some respects represent an advance upon the archaic procedures previously governing Crown proceedings, they do nevertheless retain the archaic procedure of the petition of right and various attendant procedural complications and legal difficulties and uncertainties. The significant features of the present Bill are as follows. It provides that proceedings by or against the Crown may be commenced and carried through in accordance with the ordinary practice and procedure appropriate to proceedings between subjects. Provisions for the proclamation of Crown instrumentalities are inserted, so that doubts as to whether an instrumentality is to be regarded as falling within the purview of the new legislation can be resolved with certainty. It provides for the automatic appropriation of moneys to satisfy judgments given against the Crown. Thus the enforcement of rights against the Crown arising under judgments of courts of competent jurisdiction is guaranteed. The Crown is placed in the same position as an ordinary litigant in enforcing judgments given in its favour. The liability of the Crown in contract and tort is assimilated to the liability of a private person. Any special privileges that the Crown may have in respect of the period of limitation in which proceedings in tort or contract must be brought, or in respect of notice of a claim in contract or tort, are removed.

The provisions of the Bill are as follows: Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the new Act. I would draw the attention of members to the definition of "the Crown" under which problems of whether a particular instrumentality is to be regarded as falling within the definition may be resolved by proclamation. Clause 5 assimilates the procedure to be adopted in proceedings by and against the Crown to that applicable to proceedings between subjects. Clause 6 provides for the service of the process of courts and other documents relating to Crown proceedings to be served on the Crown Solicitor. The process by which proceedings are initiated must contain, or be accompanied by, a statement setting forth the circumstances on which the claim is based. The activities of the Crown are, of course, of enormous scope and a provision of this kind is necessary to enable the Crown Solicitor to identify the matters in respect of which the proceedings are laid. Clause 7 makes it clear that the Crown may be subjected to an interlocutory order. The right of the Crown to refuse to disclose information where such disclosure would prejudice the public interest is retained.

Clause 8 provides a procedure by which judgments against the Crown are to be satisfied. Clause 9 assimilates the rights of the Crown to enforce a judgment in civil proceedings to those of a subject. Clause 10 provides, in effect, that the Crown is to have no special privileges or immunity in respect of breaches of contract or torts for which it is responsible.

Clause 11 provides that the limitation periods appropriate to actions in tort and contract between subjects shall apply to actions in tort and contract against the Crown. Clause 12 sets out the rights of the Attorney-General to appear in judicial proceedings on behalf of the Crown. Clause 13 provides for the making of rules of court governing proceedings by or against the Crown. Clause 14 provides for the resolution of any procedural difficulties arising under the new Act. Clause 15 is a saving provision. Clause 16 empowers the Governor to make regulations for the purposes of the new Act. Clauses 17 and 18 amend the Supreme Court Act by removing the present Part V, which relates to petitions of right.

Mr. MILLHOUSE secured the adjournment of the debate.

COAST PROTECTION BILL

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation) obtained leave and introduced a Bill for an Act to make provision for the conservation and protection of the beaches and coast of this State and of adjacent islands; and for other purposes. Read a first time.

The Hon. G. R. BROOMHILL: I move:

That this Bill be now read a second time.

It provides for the conservation and protection of the foreshore and beaches of this State. It is in accordance with the Government's expressed intention to give special assistance to seaside councils. There has been public concern for many years regarding the condition of many of our foreshores and beaches. The responsibility for protection and maintenance has been primarily the task of local government but councils invariably have looked to the State Government for financial assistance for carrying out works of any significance. There has been no accepted formula upon which financial assistance could be given and there has been a lack of unified approach to problems associated with the coast due to the many local government authorities involved.

The Seaside Councils Committee was formed in February, 1953, to discuss common problems associated with the metropolitan coastline. In early 1960, following a period of storm damage, this committee approached the Civil Engineering Department of the Adelaide University seeking advice on a programme of investigation of the metropolitan coastline. A five-year study sponsored by the committee and the State Government eventually began in 1966. Its findings were published in December, 1970. The Adelaide University report known as the Beach Erosion Assessment Study is one of the most comprehensive of its kind. It stressed the need for protective and restorative works to be carried out, for continuous research and for the necessary administrative and financial machinery to be established. The Government took immediate action. A committee known as the Foreshore and Beaches Committee was established under the chairmanship of the Director of Planning to advise the Government on any matters relating to foreshore and beaches throughout the State. The committee's first assignment was to examine the foreshore and beaches within the Metropolitan Planning Area, for example, from Port Gawler in the north to Sellick Beach in the south, and to report on appropriate uses of the coast, measures necessary for coast protection and facilities needed for use by the public.

The committee first met in January, 1971, and submitted a report in May, 1971, listing urgent protection and restoration works. The Government allocated $250,000 for these works during the current financial year. Works are in progress and a sand source survey has been undertaken. A storm of major intensity in April, 1971, also caused substantial damage to the metropolitan coast involving the committee in more investigations and the Government in the allocation of more funds. The committee was fortunate in having the Adelaide University Beach Erosion Assessment Study as a basis for many of its investigations, but the committee quickly became aware that it was severely limited in its task due to lack of powers and technical staff. The committee recommended that a statutory board be established with powers to undertake investigations, to carry out works and to control development detrimental to the protection and use of the coast. The committee considered that the Seaside Councils Committee should be given some form of statutory recognition so that it could advise the board regarding local government opinion on any issue. The committee also recommended that the powers and activities of any new board should apply throughout the State.

Since its inception the Foreshore and Beaches Committee has applied itself to its unusual and difficult task with considerable diligence and enthusiasm. At this stage I wish to pay tribute to the work of the committee members and Secretary. The Bill establishes a Coast Protection Board of five members under the chairmanship of the Director of Planning. Its duties are broadly to protect and restore the coast, develop any part of it for enjoyment by the public and carry out research. Coast protection districts are to be established for any part of the coast and a consultative committee will be formed for each district comprising mainly representatives of the local government authorities concerned. The board may also appoint specialist advisory committees to advise on any particular aspect of its work. It is hoped in this way that the board will receive the best possible advice on any issue before it. There are so many diverse matters likely to come before the board that it would be impracticable to extend the membership of the board to embrace all the specialist fields involved.

Once a coast protection district is established the Bill provides that a management plan has to be prepared setting forth in general terms the measures necessary to protect the coast and secure its most appropriate use. The management plan is to be subject to public scrutiny and finally approved by the Governor. The Coast Protection Board is to have power to carry out works to implement the management plan and any emergency works arising from storm or pollution. The board will also have power to withhold approval to works which are contrary to the

approved management plan or which would prejudice the protection, restoration or development of the coast. A right of appeal to the Planning Appeal Board is provided.

The financial provisions enable councils to benefit by up to 80 per cent of the cost of any engineering works, up to 50 per cent of the cost of any coast facilities for use by the public, and up to 100 per cent of the cost of any storm repairs to engineering works. If the board carries out the work, the liability of the council or councils concerned is similar, but the board is given power to recoup the local government contribution.

Clauses 1, 2 and 3 of the Bill are formal. Clause 4 contains the definition of "coast" which means the land between high and low-water marks plus land 100 m inland from high-water mark and within three nautical miles seaward of low-water mark. Alternative boundaries can be declared by regulation. The definition of "coast facility" is intended to cover such matters as boat ramps, changing sheds, toilets and other facilities used by the public.

Clause 5 provides that the Act binds the Crown. Clauses 6 and 7 establish the Coast Protection Board and place it under Ministerial control. Clause 8 specifies the membership of the board. The Director of Planning is to be Chairman, and two other public servants, the Director of Marine and Harbors and the Director of the Tourist Bureau or their nominees, are members. Two further members are appointed by the Governor, one knowledgeable in local government, the other a specialist in coast protection.

Mr. Mathwin: No member of local government?

The Hon. G. R. BROOMHILL: One member shall be a person with an extensive knowledge of, and experience in, local government. Clauses 8, 9 and 10 deal with the procedures of the board. Clauses 11 and 12 provide for a Secretary to the board to be appointed and for necessary staff. Clause 13 sets out the general duties of the board. These embrace not only the protection and restoration of the coast but also ensure that the coast is put to its most appropriate use. Clause 14 provides that a consultative committee shall be appointed wherever a coast protection district is established. Every council affected is entitled to nominate a person to the committee. Clause 15 provides for the terms and conditions of office of members of consultative committees.

Clause 16 sets out the duties of consultative committees, which are broadly to advise the board and to consider any matters relating to the coast within their coast protection district. Clause 17 enables the board to appoint advisory committees to provide expert advice on any matters relating to the coast. Clause 18 provides that the Governor may, by proclamation, constitute any part of the coast recommended by the board to be a coast protection district. All councils must be consulted by the board, and a report on any representations made must be submitted to the Minister with the board's recommendation.

Clause 19 provides that a management plan shall be prepared for each coast protection district. All councils within the district must be consulted during the preparation of the plan. The plan must be placed on public exhibition and the opportunity given for the submission of representations. After the board has considered the representations, the plan may be declared by the Governor to be an approved management plan. Clause 20 enables the board to carry out works in accordance with an approved management plan and any emergency works.

Clause 21 gives the board powers of land acquisition. Clauses 22, 23 and 24 provide for powers of entry and temporary occupation of land for the purposes of the Act, and the payments of any compensation arising. Clause 25 provides that no work of a prescribed nature shall be carried out without the approval of the board. Such works are to be declared by regulation. Clearly the board should not be involved in having to approve works of a minor nature, and care will be needed in drawing up the necessary regulations.

Clause 26 deals with the method of applying for the board's permission, and specifies the grounds upon which the board may withhold its consent. Clause 27 provides a right of appeal to the Planning Appeal Board. Clauses 28, 29 and 30 establish a coast protection fund, and enable the board to borrow and provide for the keeping of accounts.

Clause 31 sets out the contribution which councils can seek from the board towards works performed by a council. The amount of grant varies. For works of a general engineering nature the grant may cover up to four-fifths of the costs incurred by a council. For the provision or repair of coast facilities the grant may cover up to one-half of the cost, and for storm repairs (which by definition do not include repairs to coast facilities) up to the whole of the cost.

Clause 32 provides that, if the board carries out work in a coast protection district, it may recover a contribution from the councils for

the work carried out. The amount is to be determined by the board and may be up to one-fifth of the cost of general works and one-half of the cost of coast facilities. Where works are carried out in more than one council area, the contribution to which the board is entitled may be apportioned between the councils in such a manner as the board may determine. Clause 33 enables any part of a coast protection district to be declared a restricted area, with access to the area prohibited or restricted.

Clause 34 provides that the board shall submit an annual report for laying before Parliament. Clause 35 enables the Minister to require the board to make inquiries pertinent to the administration of the Act. Clause 36 provides for the making of regulations under the Act.

Mr. BECKER secured the adjournment of the debate.

DAIRY INDUSTRY ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Dairy Industry Act, 1928-1969, and for purposes incidental thereto. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

This short Bill provides for some changes of considerable importance affecting dairy farms and other establishments in this State which are licensed under the Dairy Industry Act, 1928, as amended. Briefly it provides *(a)* that the Agriculture Department will be the sole licensing authority (previously this function was shared between the police and the department); *(b)* that licence fees for dairy farms will be fixed at a flat $4 (previously these fees were based on the number of animals milked on each dairy farm), and that other licence fees will be somewhat increased; *(c)* that all licence fees and penalties will accrue to the dairy cattle fund constituted under the Dairy Cattle Improvement Act, 1921, and will accordingly be available for the benefit of the industry generally; and *(d)* for additional regulating powers to ensure that standards of dairy production will continue to rise.

Clauses 1 and 2 of the Bill are formal. Clause 3 amends section 7 of the principal Act which deals with licensing generally. At paragraph *(a)* the reference to an officer in charge of a police station is struck out, since police officers will no longer be concerned in licensing activity. At paragraph *(b)* the licence fees are fixed at $4 for a dairy farm in lieu of 5c for each animal, at $10 for a factory in lieu of $8, and at $4 for a creamery, store or milk depot in lieu of $1. At paragraph *(c)* those provisions of the principal Act that are now redundant have been omitted. For the same reason, at paragraph *(d)* subsection (13) has been struck out.

Clause 4 provides that the powers of inspection of an inspector may be exercised at any seaport or airport as well as in the places specified in section 11 of the principal Act. Clause 5 makes a minor drafting amendment to section 13 of the principal Act by inserting in that section a reference to "milk depot" that was previously omitted. Clause 6 provides for all fees, charges, and penalties collected or paid under the Act to accrue to the dairy cattle fund and hence be available for the improvement of dairy cattle and the promotion of the dairy industry generally.

Clause 7 provides for additional regulation-making powers in the areas specified. In the nature of things, regulations made under this head of power will be subject to the scrutiny of this House, and in addition this clause provides for regulations to be made requiring compliance with future variations of standards set by the Australian Standards Association as these variations become applicable.

Mr. WARDLE secured the adjournment of the debate.

DRIED FRUITS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That this Bill be now read a second time.

This Bill, which arises from a submission by the Dried Fruits Board, enacts certain amendments to the principal Act, the Dried Fruits Act, 1934, as amended. The matters dealt with in this Bill are briefly as follows: *(a)* provision for increased contributions from registered packing houses to meet the sharply increased costs of administration of the Act; *(b)* the removal of the requirement as to registration of premises where fruit is not actually packed; *(c)* provision for a $25 annual fee for registration as a dealer; and *(d)* provision for increased fees for registration of packing houses. In addition opportunity has been taken to make certain metric conversions to the principal Act. As members will be aware the continued existence of the Dried Fruits Board in this State is vital to the

wellbeing of the industry here. In co-operation with the authorities in other States it declares quotas for the release of dried fruits on the home market, and this is essential if the Australia-wide scheme of marketing arrangements is to operate successfully.

However, in common with other organizations the board has found its financial position deteriorating; administration costs have risen and to some extent production from which revenues accrue to the board is falling. In the year ended February 28, 1972, the board had a deficit of $4,234 and, although the prospects for this year are somewhat brighter, a substantial deficit is again expected, and as a result the board has had to draw heavily on its reserves. It is clear that this situation cannot be allowed to continue and the increases proposed are the minimum that will allow the board to function effectively.

Clauses 1 and 2 of the Bill are formal. Clause 3 effects a metric conversion to section 10 of the principal Act; the conversion here is, for all practical purposes, an exact one. Clause 4 increases the amount of contributions required to be made in respect of registered packing houses from a maximum of $1.20 a ton to a maximum of $3 a tonne in the case of dried vine fruits and a maximum of $6 a tonne in the case of other dried fruits. Within these maxima, there is in proposed subsection (2a), provision for fixing different amounts for different varieties of dried fruits. I would also draw members' attention to the fact that these new maximum contribution levels are calculated with reference to the metric tonne of 2,204lb. In this context it may be regarded as the same as a ton.

Clause 5 is a small but quite significant amendment to section 19 of the Act in that it will enable depots for the storage and distribution of dried fruits which previously were often registered as packing houses, even though they did not pack fruits, to be registered without fee.

Clause 6 amends section 23 of the principal Act and provides for a $25 annual fee for registration as a dealer. Previously no charge was made for such registrations. Clause 7 amends section 24 of the principal Act and generally increases the annual fees required in relation to the registration of packing houses. The increase is from $2 to $10 in the case of annual fees and from 50c to $5 for transfers of registration. Clause 8 provides for formal amendments requested by the Commissioner of Statute Revision.

Mr. WARDLE secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee of the Legislative Council's message.

The Hon. L. J. KING (Attorney-General): I move:

That the House of Assembly do not insist on its disagreement to the Legislative Council's amendments Nos. 3, 5, and 16 to 20.

These amendments exempt a proprietary company from the obligation to appoint an auditor in certain circumstances, the circumstances being the filing of certain accounts with the Registrar of Companies. I explained earlier my reasons for opposing the amendments now insisted on by the Legislative Council, and I do not think any good purpose would be served by going over those points again. I regret very much that the Legislative Council has insisted on these amendments, because I think that in so doing it does a disservice to the public of South Australia and deprives members of the public, particularly creditors, of a much needed protection. However, I do not see that any good purpose would be served by seeking a conference on the matter: it is only one aspect of a large Bill that provides much-needed protection for the public generally, and I would not wish to do anything to jeopardize the Bill. Further, I do not see any real grounds for compromise at a conference. I therefore ask members not to insist on their previous disagreement.

Dr. EASTICK (Leader of the Opposition): With the exception of one member, these amendments were opposed by members on this side, and I see no good purpose in further delaying the passage of the Bill. We on this side support the motion.

Motion carried.

ACTS REPUBLICATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

THE REPORT

The Select Committee to which the House of Assembly referred the Enfield General

Cemetery Act Amendment Bill, 1972, has the honour to report:

1. In the course of its inquiry, your committee held one meeting and took evidence from the following witnesses:

Mr. E. A. Ludovici, Parliamentary Counsel.

Mr. E. W. Venning, Inspecting Accountant, Minister of Roads and Transport and Minister of Local Government Department.

The Hon. S. C. Bevan, Chairman of the Enfield General Cemetery Trust.

2. Advertisements were inserted in the *Advertiser* and the *News* inviting persons desirous of submitting evidence on the Bill to appear before the committee. Although several inquiries relating to the Bill were received, no applications were made to give evidence.

3. Letters were received from both the Bishop of Adelaide and the Archbishop of Adelaide indicating their agreement to the proposed alterations in the membership of the trust. Evidence was given to the committee indicating that the Rev. K. Seaman, a present member of the trust representing other religious denominations, was also in agreement with the proposed alterations.

4. On the evidence submitted to the committee it is obvious that urgent action is required to improve the current financial position and to maintain viability of the Enfield General Cemetery Trust. The committee is of the opinion that the provisions contained in the Bill will assist the trust to overcome the difficulties which it now faces and give a desirable flexibility in administration.

5. Your committee is satisfied that there is no opposition to the Bill and recommends that it be passed without amendment.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Membership of trust."

The CHAIRMAN: There is a typographical error in new subsection 3 (a), in that after "Church of England" the words "in Australia" should be added.

Mr. WARDLE: I express, on behalf of the Opposition, our agreement to this measure. The Select Committee's work was interesting and the committee fully considered the trust's actions and the need for the legislation. There seems to be a distinct advantage in appointing one person from local government and one from the Treasury to replace the two clergymen who were previously members of the trust. There is also merit in the appointment, by the Governor, of a clergyman. The Enfield Cemetery has made a tremendous contribution in providing a place of rest for the deceased. I hope that the legislation will assist the trust financially and that the trust will progress to a far greater extent than has been the case previously.

Clause passed.

Remaining clauses (4 to 19) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN THEATRE COMPANY BILL

Mr. KENEALLY brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

OATS MARKETING BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4207.)

Mr. VENNING (Rocky River): I support the Bill. It is significant that at this moment at Port Adelaide a cargo of oats is being loaded for Japan, and this cargo is said to be the largest ever shipped from South Australia. That cargo consists of the feed variety of oats. It is also significant that at this moment in Mount Gambier potato growers are meeting to consider the orderly marketing of their produce. Indeed, if the undertaking of primary producers is to survive, it is important that their produce be handled by orderly marketing methods. The oats industry in South Australia is in a deplorable state; indeed, it is hardly an industry as it stands at present. The delivery of oats for export from this State over a 10-year period has averaged about 14,000 tons and this applies as recently as 1970-71.

Although the total South Australian production at present is not great, I believe that the formation of an orderly marketing authority will go a long way towards making the oat industry an asset to this State. Orderly marketing of other grains already exists, and it is what growers in this State desire. We would not wish to go back to the days when not only was it a nightmare to produce wheat and barley but it was also a nightmare selling those commodities.

Mr. Keneally: Yes, but the position in those days—

Mr. VENNING: The position is different from that of the honourable member, who starts work early in January and knows exactly what he will get over the next 12 months. All he has to do is be present and sign the book, and he receives long service leave and sick pay benefits, etc. However, the primary producer must deliver the goods if he is to be paid. His sheep and cattle are counted at the market, and his grain is weighed. He cannot have six head of sheep or cattle counted and be paid for 10. I know it is the wish

of the United Farmers and Graziers and its members that a statutory body be established, for it will help the oat industry.

We have heard criticism of this legislation, and we have heard much about over-the-border trading. We know, too, that the merchants are doing their best to keep this legislation at bay. Although I intend to move amendments later, I hope that the measure will receive the support of members generally. Because of the low value of oats, the board must operate on a shoestring, and I believe that the appointment of a secretary needs to be a part-time appointment, perhaps involving someone from the existing organization. It is significant that South Australian Co-operative Bulk Handling Limited has agreed to reduce its charges in this State for the handling of oats from 3.5c a bushel to 2c in order to help the industry in the early stages. The co-operative loaned almost $400,000 to help South Australian oatgrowers, and at present about $58,000 has yet to be repaid.

On the basis of a handling charge of 3.5c, it would normally have taken two years to repay the balance, if we bear in mind the quantity of grain produced in the relevant period. As the board of the co-operative, however, in an effort to have growers use the facilities provided for them, has agreed to reduce the charge from 3.5c to 2c, it may take four or five years to pay for the facilities provided. On that basis, the total handling costs will be reduced from 7.3c a bushel to 5.9c.

The Bill provides that licensed receivers will be appointed: I hope that the co-operative will be the licensed receiver in this State because of what it has done to help the industry in the past. I believe that the combination of orderly marketing and the co-operative's support should benefit the industry. It is significant that at present growers in areas such as Bordertown are prepared to deliver their oats into a 44gall. drum at the rail head, where the grain is taken up in the auger to the rail trucks, and there are no long service leave or workmen's compensation provisions in that respect. However, when the bulk handling co-operative is involved, the grower requests the best of all facilities. I hope that the licensed receiver appointed will be the co-operative, which, since its inception, has done a remarkable job in establishing storage facilities in South Australia. As a member of the board, I can say there has been little complaint about the way the grain has been received, stored, and shipped overseas.

This legislation is similar to that concerning the Barley Marketing Board, although there are a few minor variations. I wonder why some of those were introduced, for example, the provision dealing with the bi-annual election of members. This does not give a grower elected to the board sufficient time to become familiar with the details of marketing. True, the organization and the growers will put forward their most informed candidate but, even so, that experience should not be subject to a situation where members run the risk of being hired and fired every two years. I believe that the period should be extended from two years to three years, and I intend to move in Committee to that end.

The legislation includes the provision that, when this legislation becomes law, by petition growers can, in the next week (as long as they have the numbers), move to have the orderly marketing authority thrown out. I believe that the board should be given two years, at least, to solve the problem confronting it. I intend moving an amendment in Committee on that matter.

The DEPUTY SPEAKER: The honourable member cannot discuss an amendment now.

Mr. VENNING: This is anomalous as it stands, and I intend to say something about it in Committee. I support the Bill because I believe it should be given a chance in South Australia. The Act protects the farmer to farmer transactions and it also protects the farmer who, now or in the future, may have a specific market for his oats, for instance, to a racehorse owner. By way of permit he will be able to continue with, or establish, such markets. Some may say that the Act is too free, but it is in such a form that it should be given a chance. I hope that all producers in the State will do their best to get this legislation under way and prove that it can work here. Although our oat production is not at present large, I believe that it will increase and that such increase will mean a viable oat-producing industry in South Australia.

One of the main reasons why the United Farmers and Graziers has sponsored this legislation is its desire to bring the position in South Australia into line with that in the other States. The Minister has said that similar legislation to this Bill is already in operation in Victoria. Further, he has said that it is in operation in New South Wales, but I question that. The legislation has been passed in New South Wales, but I do not think it is working as it is in Victoria. It is intended that

South Australia and Victoria will have legislation that works as does the legislation providing for the Australian Barley Board, that is, a two-State enterprise, thereby cutting costs considerably. The eventual idea is to form an Australian coarse grains board.

Mr. McANANEY (Heysen): I support the Bill. I have spoken to many farmers about it and, provided that there is the clause permitting the sale of produce from producer to producer, they favour it. The principle of marketing boards in the past has been that the total production goes through the board, but that would not be practicable or efficient in any industry such as this where a large percentage of the grain produced is sold by one section of primary producers to another. If such a farmer had to go through a board, the procedure would involve additional expenses, and it would be uneconomic for all. I know this arrangement has its disadvantages. When we legislated originally for the Citrus Organization Committee, I said it would never work but, as the growers had asked for it, I voted for the Bill. However, I believe that this board will work because it will not face the problems that faced the orange industry. The whole principle of orderly marketing has developed over the years and, in time, all our primary produce will be sold through an orderly marketing system.

Mr. Wells: Are you a Socialist?

Mr. McANANEY: The honourable member says it is socialistic when a group of people come together voluntarily to sell the thing they produce for their advantage, but I say that this is private enterprise at its best. It is not Socialism: it is co-operation. If we could get co-operation we would get members coming into the Parliament and representing the community as a whole. I represent all sections of the community because I have been a worker, but I do not think some members on the other side have ever been workers.

Members interjecting:

The SPEAKER: Order!

Mr. McANANEY: When I used to work an 80-hour week, I never received overtime rates for that work. I still work over weekends, and I am happy doing it. These primary producers have got together to sell their goods. They hope they will be able to do so to their advantage. I had a good time when I was in Japan recently, and I also did much work investigating marketing. The price received by South Australian producers free on board is considerably lower than the price they should receive. For growers who do not have a local demand for oats, this scheme should be a great advantage, because the Japanese like to buy large consignments of produce. As doctors, lawyers and most other people in Australia receive a guaranteed payment for their services, I suppose that primary producers should also have a guaranteed price for their products. However, the fact is that if they are to have a guaranteed price there must be some control on production. Members opposite may say this is socialization.

Mr. Payne: I read your book: that was enough for me.

Mr. McANANEY: As I am honest, I will admit that it was not very well written but, had the honourable member been able to understand it, he would have benefited from its contents.

Mr. KENEALLY: On a point of order, Mr. Speaker. What relation to the Bill before the House has the book that the honourable member has written?

The SPEAKER: I did not know that the honourable member had written a book. The honourable member for Heysen has the call.

Mr. McANANEY: There must be some control of production. Government action in increasing costs in various sections of the community has meant that the costs of primary producers have increased. A primary producer now has to pay more for an article than he would pay if he were able to buy the article in a country to which he exports his goods. It is no use growers producing goods that they cannot sell at a reasonable price. At the same time, they cannot expect Australian consumers to pay more than they should pay for products to make up for losses on exports. When growers accept these facts and the Government takes them into account, I think primary producers will regain the place they had in the Australian community, and will receive a reasonable return for their products. If General Motors-Holden's, which is spoon-fed with tariffs, produced twice as many motor cars, it would have the receiver in within two months. That firm could not carry on with such over-production.

The SPEAKER: Order! The honourable member must link up to the Bill his remarks about Holden motor cars.

Mr. McANANEY: By giving this example, I am illustrating why primary producers must not over-produce. Provided there is no guaranteed price, orderly marketing works well, and producers can sell goods overseas if they are willing to accept the price. However, once

producers want a guarantee that they will receive the cost of production and more, inevitably there must be some control of production. I thought I would get the support of Government members when I said that Australian consumers should not be charged more to make up any difference. Had it not been for the provision in the Bill that allows primary producers to sell to other primary producers, on behalf of people in my district I would have been obliged to oppose the Bill. One provision of the Bill states that a grower must make a return to the board on his dealings, and I do not know how effective this will be. However, I support the Bill.

Mr. RODDA (Victoria): The Bill is of immense interest to oatgrowers and primary producers in this State. The member for Heysen dealt with the new scheme for oat marketing.

The Hon. J. D. Corcoran: He made his point well.

Mr. RODDA: He always makes his point with extreme clarity. Orderly marketing has advantages as well as some disadvantages. Growers cannot have their cake and eat it too. After long discussions with grower organizations, the Government decided to set up this board. In his second reading explanation, the Minister states that the Government has conferred with the United Farmers and Graziers of South Australia Incorporated, which has given an assurance of an unqualified support of the members of that organization for the setting up of an orderly marketing system for oats.

The Minister says that this legislation will be similar to that which provided for barley marketing. The area of the South-East that the member for Mallee and I represent has room for expansion in this industry. Because of inflation, the man on the land has had to look to a method of production that will give him a high return. The member for Heysen spoke of a payable price. During the last two seasons the rural economy has taken a whacking because of increased prices and some farmers are in dire straits. It is a basic fact that we must have marketing research; we must develop our production in line with the markets that are available and for this reason, whether we call it socialization or something else, we must see that market research and production go hand in hand. There is a quota system operating in the wheat industry and the member for Rocky River is an experienced legislator in relation to grain politics. Indeed, he is a member of the bulk handling authority.

About 900,000 bushels of oats is produced in a good year in the South-East, whereas in an average year about 600,000 bushels is produced. This is a high rainfall area, the agricultural potential of which lends itself admirably to the production of oats. The nitrogen-bound soils, with the use of subterranean clover, can take two crops of oats in succession. Then, with the depletion of the nitrogen, the biscuit wheats can be grown. These crops are the subject of market research and protein tests. I believe we are only scratching the surface of the research necessary for the production of a commodity that the market wants, and it is within this framework of orderly marketing that this type of production can be expanded.

The South-East, because of its bountiful seasons, has a concentrated production that has many advantages. However, there is one disadvantage in relation to section 92 of the Commonwealth Constitution. I know that the Minister cannot do much about it. Indeed, I do not know whether in the broad context we would want to, because there are real advantages to the sovereign States in the exercise of section 92; but it does raise the problem of sales across the border. Whilst one cannot vouch for the figures regarding wheat, anyone who has spent some time on border roads knows that many grain transports are going to and coming from other States in reciprocal fashion. I think that about a quarter of the wheat and about half the barley grown in the South-East crosses the border. At present about three-quarters of our oats crosses the border. This makes me wonder how effective this legislation will be, and I hope that this aspect will not obstruct its operation. If we are to have orderly marketing, we want it to work well. In our area, we can produce quality oats, because of the seasons, and it will be up to the growers to support the organization.

I bring to the Government's attention the fact that across-the-border sales could be a deterrent to successful operations. The Minister knows that little can be done. We know the difficulties that we would encounter if we tried to do something about section 92 of the Commonwealth Constitution. To deal with that would be as irrelevant as speaking about that learned official about whom one of my colleagues has spoken.

Clause 6 of the Bill provides that three grower members shall be elected, bi-annually, in accordance with the regulations, and all three members of the board will be selected

simultaneously. Undoubtedly, the Government must have good reason for making this provision, but I should like the Minister to be specific on it. If members retire simultaneously, there could be a change of administration by the board and, whilst a good man may be elected, the possibility of this change seems to be an anomaly.

Clause 6 (2) provides that those persons who at last season before the election harvested for sale oats grown on not less than 12 hectares (30 acres) shall be entitled to vote. There also seems to be an anomaly in that provision. Large areas are sown to oats in the concentrated areas of the South-East. We have areas of from 100 to 300 acres, producing 20 bags to the acre, or perhaps 60 bushels or more, of oats. An anomaly seems to be created by the provision regarding 12 hectares as far as the lighter rainfall areas are concerned.

Clause 26 provides exemptions and subclause 3 *(f)* provides that subclause (2) shall not apply to or in relation to oats that are the subject of trade, commerce or intercourse between the States or oats acquired by the purchaser thereof for any of the purposes of such trade, commerce or intercourse. In the definitions in subsection (6), a primary producer is defined as a person, firm or partnership whose business is wholly or mainly that of primary production.

Primary production is defined as the business of agriculturist, pastoralist, grazier, dairy farmer, pig farmer, poultry farmer or mixed farmer. We have people whose farms could come within that definition of primary production and who are, in addition, processors of food. I should not like this type of operator to be able to take advantage of this provision, but such a person could do so as the Bill stands.

This legislation will cost the farmer money. The administration will not be done cheaply, and the end result is what the farmer gets out. I draw the Minister's attention to the fact that this type of organization, which comes within the meaning of primary production, could be let in. These people, with their other interests, could make heavy purchases and send them anywhere.

I know that it is argued that provisions similar to those in clause 26 (5) must be included to make the legislation work. However, as an instance, I, an oat farmer or primary producer within the meaning of the Bill, could sell oats to the Minister and we could engage a contractor to cart them. If the contractor transporting the oats between us two God-fearing citizens was involved in a contravention, the contractor would be guilty until he proved otherwise.

The Hon. J. D. Corcoran: You mean that the onus of proof would be on him?

Mr. RODDA: Yes.

The Hon. J. D. Corcoran: That's not unusual.

Mr. RODDA: I do not think a third party, who is doing no more than earning a living, should bear the onus of proof.

The Hon. J. D. Corcoran: That's in the Barley Board legislation, and that's why it's here for the same reason.

Mr. RODDA: It is a miscarriage of British justice.

The Hon. J. D. Corcoran: I don't like it any more than you.

Mr. RODDA: The member for Rocky River, who led for the Opposition in this debate, spoke properly of the poll of growers. It is at present provided that, once the measure is proclaimed, 300 growers, whether they produce large or small quantities, can demand a poll. Here, I agree with what the member for Rocky River said when foreshadowing an amendment to clause 35, which deals with "polls on continuation of the Act". Although certain groups do not favour this measure, I hope I am sufficiently open-minded to see the wisdom of these provisions. Primary producers must cater to the market's need and must undertake the necessary market research, so that there must be a liaison in this respect.

I must pay a tribute to the organizations and various people concerned in my district, including Mr. Gordon Hinge, who is the Chairman of the investigation committee at Mundalla; and Mr. Ray Carter, of Kangara, north of Bordertown; as well as Mr. Peter Minnis, of Keith; and Mr. Ted Buckley, of Bordertown, all of whom have done much work in studying the ramifications of this type of legislation as it affects the highly productive areas of the South-East. These people support the provisions of the Bill and are interested in ensuring that it works properly. Also, I pay a tribute to those connected with the grain section of United Farmers and Graziers and to all those who have familiarized themselves with the measure and studied its ramifications.

The Bill will have an impact on the various areas of the State that produce oats of high quality, and here I include the District of Mallee, the Tatiara area and the districts of the members for Eyre and Flinders. In conjunction with this Bill, I should like to see

research undertaken, either by officers of the Agriculture Department or by members of the industry itself, into the protein qualities of various species of oat, and I should like to see this research co-ordinated with market demands. As the member for Rocky River said, a large shipment of oats is due to leave the State at present, and this indicates that a large market exists for the product.

Dr. EASTICK (Leader of the Opposition): In July last the United Farmers and Graziers informed all members of the industry of the approaches the organization had made to the Minister of Agriculture regarding the future of the oatgrowing industry. The following paragraph is an extract of the submission made to the Minister on that occasion:

Due to the need for the wheat/sheep belt to diversify where possible into other types of production suited to conducive environmental conditions, naturally in South Australia we are limited cereal-wise to wheat, oats and barley. The decline in the economic viability of the wool and sheep/meat industries, which in turn forced the introduction of wheat quotas, has brought about an awareness by growers in barley and oats—particularly the latter, due to not having statutory marketing principles available.

Earlier (on July 1), the Minister indicated that he would receive submissions from members of the industry, especially those responsible for the oversea export of oats, and he promised to examine certain points when preparing the necessary legislation.

[Sitting suspended from 6 to 7.30 p.m.]

Dr. EASTICK: On July 1, 1971, I took a deputation of people associated with the corn trade to the Minister. That deputation listed the following aspects that it wanted the Minister to consider in connection with any legislation associated with oats:

1. Storage facilities would be insufficient in country areas.
2. There are already two pools in existence. It was hoped that this proposal would not be superimposed on those two pools. The following further points were raised by the deputation:
3. C.B.H. handling charges would be excessive as they are 7.3c plus commission.
4. The actual size of the crop marketed in South Australia would be approximately 1,000,000 bushels.
5. The forming of a board would only create trade under section 92.
6. It would not be feasible for a board to control and handle oats held on properties at the end of each season.
7. How would a board maintain standard lines required for individual needs, for example, seed, milling qualities?
8. Consideration would be necessary in relation to merchants, existing plant, machinery, storage and labour.

Since people in the deputation were involved in the industry, the last point I referred to was a parochial issue. The deputation's points continue:

9. How would a board supply varying markets with their requirement, for example, racehorse trade, hulled oats, milling oats, etc.?
10. With a board operating, prices would prevent existing merchants from marketing, owing to the high costs experienced in board operations.
11. If a board is to be formed, it is essential that a grower vote be made compulsory as many growers do not want a board.

The deputation put forward that viewpoint after a canvass had been made of suppliers. The deputation's points continue:

12. It has been stated that if such a board were to be formed, existing agents would lose their commission and thus be deprived of a considerable part of their earning.

Of course, that was a parochial matter. The deputation's points continue:

13. How would end users fare in the local trade, for example, poultrymen and dairymen.
14. Because of high handling costs, what would happen to existing export markets which merchants have spent considerable sums on in creating?

Last week I welcomed the opportunity of discussing this matter with South Australia's Agent-General in London, Mr. Ray Taylor. He said that one of the biggest problems was that many of our rural products were sent overseas under a variety of names and descriptions; as a result, an oversea buyer was never certain that a line would be uniform with another line. His experience was that it would be a definite advantage to South Australia's rural population if there was a uniform marketing arrangement. The deputation's points continue:

15. The oat market is a specialized trade where factors such as types and varieties play an important part and requirements of segregation of these types and varieties require segregated storage. How could a board overcome such problems?

Those points were based on the fact that merchants in the business have had by necessity to make special silo arrangements. They thought that the number of silos required in any area would make it a very expensive operation. These subjects were discussed at length with the Minister last July. Since then members of the organization have provided the Minister with information that has come to their knowledge from other States. They said that the scheme relating to the Victorian

board, on which the Minister's scheme was based, had run into several difficulties. An article headed "Oats Board Role Starts Battle" in the Melbourne *Herald* of September 1, 1971, over a photograph of Mr. D. P. Sheahan says:

Some of Victoria's 9,000 oatgrowers are unhappy about the operations of the marketing board formed to help sell their crops. Victoria got an Oats Marketing Board last September when the State's oatgrowers, required to give a 60 per cent majority in favour of the board for the proposal to be acceptable to the State Government, recorded a 64.35 per cent "Yes" vote.

Even within 12 months of the oatgrowers having given that authority, difficulties arose. Mr. D. D. Cooper, who was instrumental in implementing many aspects of the Victorian oat pool, was a member of two of the major organizations associated with it. Because of dual interests, it became necessary for him to withdraw his nominations in connection with one of the organizations. I said earlier that the Minister had agreed that, before he put the scheme into operation, he would provide the organization with a copy of the draft Bill. Whilst I did not see the draft Bill, I believe the Minister took evidence from members: in a letter dated March 13, 1972, the corn trade section of the Adelaide Chamber of Commerce says:

Having been given the opportunity by the Minister of Agriculture of sighting a draft of the proposed legislation for the establishment of a statutory Oat Marketing Board, and knowing your interest in this matter, we set out below the main reasons the corn trade section of the Adelaide Chamber of Commerce consider the proposal to be detrimental to oatgrowers and the oat industry as a whole.

1. Logic, and the performance of the Victorian board, suggests that the board's local selling price will increase in an attempt to absorb necessary administrative costs and additional handling charges, and still give some return to growers. This will force local users to buy from interstate, the same as Victorian millers have been buying from South Australia this year.

Although an oat board operated in Victoria in 1971-72, it was necessary for many Victoria millers to come to South Australia to obtain supplies. The letter continues:

The board will virtually be operating solely on an export market and the resulting additional costs and freight between States must mean a lower return to growers or higher feed costs.

2. Although provision is made in the Act for sales between grower and primary producer, we contend this is unworkable in practice, will be difficult to police, will be expensive to administer, and leave many loopholes. The Victorian legislation no longer provides for these transactions.
3. Production statistics clearly illustrate the small South Australian oat crop and the variation of yields due to seasonal conditions. We contend the crop is far too small to support a board, particularly as the main local users are positioned to purchase their requirements from Victoria under section 92. The board's costs and additionally handling costs, applied to the small quantity the board is likely to handle, must result in lower returns than growers have been used to.

They had instanced earlier in their discussions with their Minister, in my presence, that a voluntary pool on the West Coast during the 1970-71 season had been forced to sell at a reduced price because of a scare that it would not be able to quit the production, and the growers lost about 7c a bushel as a result of that forced sale. The fourth point in the letter is as follows:

Obviously the C.B.H. will be appointed licensed receivers, and all oats will be handled through C.B.H. installations with the resulting higher charges.

This was a claim they made, and I have no knowledge of the variants that would apply between C.B.H. installations and their own privately operated installations. The fifth point in the letter is as follows:

We feel that, with all grains (wheat, oats and barley) under the control of statutory boards, no surplus grain will be left in the hands of growers or merchants as an "insurance" against a dry spell. Will the Government be prepared to provide drought relief through one of these boards?

This matter requires much consideration. As any person who has worked in the rural situation well knows, availability of drought relief feed supplies, especially oats, is necessary on the South Australian scene. Fortunately, this has not been needed in recent years, but it was in the not too distant past. The letter continues with the sixth point as follows:

Unless a system of dockages and premiums is incorporated, we believe the quality of deliveries will deteriorate and growers in traditional oat areas will suffer from inclusion of poorer varieties from marginal areas. This will place South Australia in a difficult position against its main competitor, Western Australia, who is continually improving its quality and not operating under the restrictions of a compulsory board.

That was a statement of belief, and whether or not it would have applied is something the Minister has no doubt considered. The last point in the letter is as follows:

We believe the legislation is not only against the interests of oatgrowers but also against their wishes. We contend the oatgrowers should have a voice in the future of their industry and the question should be put to an oatgrowers poll before legislation is introduced. These views were expressed by persons involved in the oat industry. They accept, as do I, that many of the statements they have made and many of their approaches to the subject are based on their own parochial and personal interest. However, they do have a knowledge of the industry which they were prepared to share with the Minister. Many of their requests have been met, and I hope that, during a later stage of the Bill, questions will determine whether other aspects of the matter have been satisfactorily covered by the legislation. I support the second reading.

Mr. CURREN secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4205.)

Mr. COUMBE (Torrens): This is a short Bill, and I shall be short also. One good feature of the Bill is that, when this matter has been discussed previously, Select Committees were involved (and I have sat on four of them). I am glad that this Bill does not require another, and I believe that that feeling will be echoed by many other members. This Bill enlarges the powers of the Adelaide Festival Centre Trust and remedies something that was overlooked when a Bill on this subject was introduced earlier this year. The Bill provides powers for the trust to go beyond the bounds of its own land, as set out in the schedule to the principal Act, which delineated the land involved. This means that the trust can provide access, particularly vehicular access, through railway property to Montefiore Road near Victoria Bridge. This involves going through Crown land, and specifically that land held by the South Australian Railways Commissioner. I point out that it is Crown land and not private land or land vested in the Corporation of the City of Adelaide as park lands, because otherwise the matter would have to go before a Select Committee.

To provide access, it will be necessary for the trust to have access to portion of the land held by the Railways Commissioner, and this will involve the acquisition and replacement of certain buildings vested in the Commissioner. That is why today I asked the Minister of Works a question about the rowing club sheds on the southern bank of the Torrens River. In reply, the Minister said that, as far as it was known, only the Railways Institute rowing shed would have to be removed and resited elsewhere. Therefore, I believe that this Bill deals with that aspect. The Bill provides that the trust shall have powers to reinstate certain buildings. The sound shell and the kiosk in Elder Park will have to be moved and possibly resited.

In an ordinary commercial transaction this matter would be taken care of by the payment of certain moneys. However, this is not covered by the present Act and this Bill provides that powers shall be conferred on the trust to carry out the necessary works to enable the whole of the festival centre to function as a whole and to full effect. This is covered by clause 2. Clause 3 inserts in section 26 words which will give effect to Treasury control over the borrowings of the trust. Section 26 (1) of the principal Act is to be amended by inserting the words "with the consent of the Treasurer", so that now Treasury control will be formally necessary over the borrowings of moneys necessary to carry out certain functions. That is ail that is covered in this Bill.

I hope that this is the last occasion on which we will have to deal with a Bill on this subject, and that the way will now be clear for the eventual completion and good functioning of the festival centre. A rather informal prelude to the centre was held yesterday. Although there was some question about safety, from what I saw the performers, who acted in a rather impromptu manner, seemed to give a good account of themselves to the delight of workmen, who watched during their lunch hour. I support the Bill.

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

LICENSING ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from March 21. Page 4034.)

Mr. MILLHOUSE (Mitcham): There is no point in making a long speech on this subject. I want to refer to several matters, but it is not much use my doing so unless the Attorney-General is here.

The Hon. J. D. Corcoran: Stop quibbling and get on with it.

Mr. MILLHOUSE: You are a bad tempered and—

The SPEAKER: Order!

Mr. MILLHOUSE: I am glad the Attorney is now here because I want to raise objections to one or two points on the Bill. The Attorney can then reply to them when he closes the debate, and we can decide whether to take them further in Committee. I have noted only eight matters that need any attention from me, and not all of those need opposition. My first point concerns the prescribed tourist hotel, which is referred to in clause 53. This provision is dangerous, as it leaves the description as to the prescription of tourist hotels absolutely in the hands of the Minister of Tourism. I understand that even that title is to be altered, as the Attorney-General has an amendment on file to alter it. New section 192a (1) provides:

> Where the Minister of Tourism is satisfied—
> *(a)* that any premises or proposed premises, and the service provided for those who may resort thereto, is or will be of an exceptionally high standard . . .

That is very wide indeed. What is meant by "exceptionally high standard"? This term is ill-defined, and it must be in the opinion of the Minister. Is he intending to be satisfied that the Hotel Australia is of exceptionally high standard? Will the Globe Hotel at Mount Gambier be classified that way? What standards will the Minister use? That is my first objection.

Secondly, I believe it is wrong, when we have set up a licensing authority in the State, to allow such an unfettered discretion in the Minister, and I do not like that. What we have done, as I understand it, is to take away altogether the jurisdiction of the court if the Minister prescribes a hotel, because we find that new subsection (3) provides:

> No objections may be made in pursuance of section 48 of this Act to the grant of a full publican's licence in respect of a prescribed tourist hotel.

Section 48 of the Act deals with objections to licences. I believe the power in this new subsection is too sweeping. Although the object may be good, I do not like the provision in its present form. Clause 8 refers to the question of the Commonwealth Railways Commissioner and other construction authorities being licensed in outback and remote areas. It seems quaint to me that this State Parliament should be giving this Commonwealth officer a licence under State law. I have not looked into the matter, but I wonder whether it is necessary to do this at all; maybe it is. What possible sanction will there be if this Commissioner transgresses the conditions of his licence? Will we haul him to court, as we would haul to court any other licensee, and deal with him there? Is this constitutionally competent? The Attorney-General has some explanation to give. No doubt he has given some thought to the matter.

One can take other objections to this provision. Along the trans-continental line several hotels supply liquor to those who work and live there. What will be the effect on those hotels, which are private hotels? Recently a question was asked about the closure of, I think, the Hammond Hotel in the North. We certainly will not help hotels in the area by legislation of this type. I wonder why we need this provision: no real reason was given by the Attorney-General in his explanation. What I said with regard to the Commonwealth Railways Commissioner applies with lesser force (the constitutional situation does not apply at all) to the construction authorities, which are to be prescribed in new section 16b. New subsection (6) provides:

> In this section "prescribed authority" means any person, body or authority engaged in works of mining, excavation, building or construction of a substantial character.

What does "substantial character" mean? Is it for the Minister to do the prescribing? If it is, we get back to his opinion. One cannot help being reminded of the saying, which I now cannot reproduce, about justice in the courts of chancery depending on the size of the chancellor's book. We are rather back to that same sort of situation here and, whilst I acknowledge that in very few cases difficulty has been experienced, I wonder at the wisdom of this provision.

Clause 10 extends from 11.30 p.m. to 1.30 a.m. (an extension of two hours) the time for drinking in South Australia. So far, this extension seems to have passed with hardly a ripple. A few years ago there would have been quite a frenzy about it. I do not feel strongly one way or the other on it. I have had experience of later drinking in other parts of the world and, naturally, in a private home one can drink whenever one likes. However, this is a substantial increase in hours.

Perhaps the most significant and, I think, most dangerous provisions are those in clauses 35 and, I think, 41, regarding clubs. I do not like several things here, and they have thoroughly alarmed the hotel trade, on my information. The hotels have always, since the Act came into effect in 1967, been fearful and resentful of the inroads into their business by permitted and licensed clubs, particularly by permit clubs. We all know that they have made great inroads indeed into the trade

of public houses. Now we are going further by what we are doing in these clauses. "Guests" will now be able to pay for drinks. To me, that is an absolute negation of the whole concept of a club, because a club is like one's own home, where one can take someone who is a guest and entertain him. That concept, which some people may say is old-fashioned, will be discarded entirely. I think it will be extremely difficult to police the provisions as we will have them. Section 67 (3), as amended by clause 35, will provide:

A permit under this section shall be granted upon condition that liquor shall not be supplied to a visitor except in the presence of a member and that a member shall not introduce more than one visitor . . .

It may not be supplied to a visitor, but what about its consumption? Once the member is there, he can be supplied and can pay for it. Can the member then leave the guest on his own to consume his liquor? It takes clubs, in my view, apart from any question of hospitality and courtesy, a big step nearer to trading openly with members of the public.

In this clause or a subsequent one there is a provision tailoring (that is the word in the explanation) the hours during which clubs may trade. That is, again, giving them an advantage. Their convenience can be controlled regarding hours. The other big thing is allowing a permit to a club that has been in existence for 12 months. This is a great widening of the present provisions of the Act. At present section 67 (1) provides:

Any club that was in existence at the date of commencement of this Act . . .

That, at least, tied down the number of clubs that could obtain a permit. We are now taking that out, and the provision will read:

Any club, whether licensed under this Act or not, may, upon application . . .

So, we can start a club today and in 12 months time it can apply for a permit. To me, this is opening the floodgates wide indeed, and I counsel caution on this. I am going through the points quickly at this stage, because we will be able to deal with the matters in Committee. The next point I have is regarding a provision that I do not oppose. I am not sure which provision it is, but it allows restaurants to close on one day a week. I am sure Monsieur Vigor and other people at Chateau Fort will be delighted with this. He has been fighting successive Attorneys for a long time to get this provision, and, in my view, all his applications, imprecations, prayers and curses have now had some effect.

Mr. Payne: How did he get on with you as Attorney?

Mr. MILLHOUSE: He did not get it from me, and I am not suggesting that he did. I have had it hot and strong from him, both when I was Attorney-General and since. Last time I was there (and I had a delightful meal) he did not mention the matter, but I got a letter next day from him.

Mr. Clark: Do you think you should advertise?

Mr. MILLHOUSE: It is a good restaurant and one can have a thoroughly good evening's entertainment, if one is willing to go there and has an evening to spare. It is very pleasant. Clause 21 has, in my view, some dangers and I am not sure that I like it. I will make up my mind when I hear the Attorney-General's justification for it and when I hear other members' views.

Allowing liquor to be served at picture theatres, as well as at theatres presenting live entertainment, is again opening the gate fairly wide and cutting into the business of hotels. I seem to remember that this is done overseas. I have certainly had a drink at theatres in London, and I think also at cinemas.

I point out to the Attorney-General the unfortunate link that there could be between, say, R films being shown and liquor. I am not sure whether this is a good thing. We have taken the plunge with R films in the last few months, with dirty films, and now we will allow liquor to be served in conjunction with the showing of these films. People may say that I am a prude, but I do not think that I am. However, one must be realistic, and I hope I am a realist.

Mr. Clark: Have you noticed lately that every film shown is an R film, or seems to be?

Mr. MILLHOUSE: No, I have not noticed that. I do not go to pictures much. New subsection (4), being added to section 33 by clause 21, provides:

An applicant for a theatre licence must, in addition to fulfilling any other requirements of this Act, satisfy the court that the premises for which the licence is sought satisfy proper standards of design and are appropriate and properly maintained both for the purposes of the entertainments for which the premises are, or are likely to be, used, and for the supply and consumption of liquor.

This does not make the matter clear. Indeed, I think it is probably not meant to make clear whether theatres will be licensed. Certainly, they could be. If they are, will the liquor be able to be taken away and consumed in motor cars? This is one of the

difficult questions, and perhaps Parliament ought to make up its mind and spell its decision out more clearly than is done here. I do not oppose the appointment of an Assistant Superintendent of Licensed Premises, although this provision has been included without real explanation for its necessity. Clause 33 deals with outdoor permits. I think we are all a little carried away at present with the outdoor cafe by the Bonython fountain outside the university. Although I have not used it, I have passed it several times.

Mr. Coumbe: It was delightful.

Mr. MILLHOUSE: I accept what my colleague says. The weather has been kind to it; we have had three glorious weeks during the festival, but I do not think we ought to be carried away by the success of one venture under ideal conditions when we consider outside premises. I notice that only the holder of a licence can apply; someone who does not hold a licence at all cannot apply for an outdoor licence. I am not sure of the reason for this, but that is how new section 65a (1) reads, namely:

> The holder of a full publican's licence . . . may ... be granted a permit for the sale and supply of liquor, at such times as the court thinks fit and specifies in the permit, for consumption in areas, defined by the court, outside the licensed premises.

If we are going to do this, why are we insisting that only the present holder of a licence may apply for a licence outdoors? I do not know. I do not pretend to understand the alteration in the definition of "liquor" in clause 4, because I do not know what "20 degrees Celsius" may mean. It has been suggested to me that the alteration will affect what I understand has become popular, namely, home brew kits.

Mr. Coumbe: Moonshine!

Mr. MILLHOUSE: That, to me, denotes something illegal. It has been suggested to me that the alteration in the definition will make illegal the kits at present being sold. I do not think that is meant, because it was not mentioned in the explanation, but it would be unfortunate if we inadvertently produced this effect. Under clause 16, I think, we are cutting down substantially the minimum quantity that must be sold under a vigneron's licence. I am informed that at present the minimum is 2gall., which is four flagons or 12 26oz. bottles, while 2 *l* is only one flagon or about three bottles. We are probably cutting it down to between a third and a quarter, and that is a substantial reduction.

Although it is perhaps only a drafting matter, I am wondering whether there is meant to be a distinction between clause 10 (hours of a full publican's licence) and clause 13 (the days of a wine licence). Under clause 10, we seem to except only Good Friday ("between the hours of 9 o'clock in the morning and 3 o'clock in the following morning on any day except Good Friday"), whereas in clause 13, relating to the wine licence, it looks to me to be "on any day (other than Sunday, Good Friday and Christmas Day)". If a distinction is not intended, we should perhaps put that right. In clause 43 and again in clause 46 we have the occupation of "secretary, steward or manager of the club". To me, a steward of a club does not have any managerial functions whatever.

Mr. Payne: He has an honorary title in one or two clubs.

Mr. MILLHOUSE: Maybe he has, but to me it is not a familiar title.

Mr. McRae: It is used in the award.

Mr. MILLHOUSE: In that case, it is probably safe to have it here. I query it only as a matter of drafting, because I have not come across it before. This is a Committee Bill, and it contains many disjointed provisions. I hope that every member will be able to vote on this Bill according to his own conviction and that we will not be bound by Party shackles. I look forward to hearing what other members have to say about the matters I have raised or about other matters.

Mr. McANANEY (Heysen): Bearing in mind the many amendments made to it, I think it is amazing that the new Licensing Act has finished up as good a measure as it is. However, I do not think this Bill goes sufficiently far, for it is does not include reception houses, which I believe should be on the same basis as that of restaurants and other places that serve the public. Reception houses serve a useful purpose in the community and are growing in number, and I believe they should be included here. On the recommendation of the Director of the Tourist Bureau, certain types of farm property have been developed as tourist centres, and one of the properties in question is run by an enterprising young couple, on whose property people can have a barbecue meal and see the various farm activities, as well as walk along the Finniss River. It seems that the people concerned cannot get a permit for the local hotel to provide liquor on special occasions. As there is no provision in the Act, the persons concerned are refused a permit by the court.

There is also the ridiculous situation in relation to visitors. Many people have a picnic and use the barbecue facilities, but they cannot drink the liquor that they bring to the centre of activity. This activity will grow, provided that suitable amenities are provided. I understand the people concerned have spent $11,000 on toilet and other facilities, yet a permit was granted to the North Terrace boulevard cafe even though it had no toilets. According to a letter in the newspaper, one leading oversea artist asked urgently where the toilet was but, because the need was so great, she had to go behind the nearest bush. This is a fact of life.

Mr. Clark: That's the permissive society.

Mr. McANANEY: Maybe, but it is not always comfortable. This is the sort of thing this Government has allowed. It is not right for a permit to be given under these conditions without expecting the permit holder to make necessary toilet provisions. At Braeside, Finniss, every facility is provided, yet the people there are not allowed to have a licence. I know that the Attorney-General is thinking about this and he is not too concerned. We know he is a bit conservative in his ways at times and I hope he will move in the right direction on this matter.

I have received representations concerning the quantity of liquor that a winemaker is allowed to sell. From the view of the industry, the closer it can get to the consumer without involving additional expenditure, the better it is. As an ex-primary producer, I believe this. I am not one-eyed on behalf of any group. Perhaps I am one of the few cosmopolitans on this side. That is a new expression, but I shall not elaborate on that. I hope some of the progressive Government cosmopolitans will agree with me and that we will all get along together happily.

Members interjecting:

The ACTING DEPUTY SPEAKER (Mr. Burdon): I ask the honourable member to stick to the Bill and stop advertising his Party.

Mr. McANANEY: I support this clause. Regarding outdoor cafes, I have travelled in many parts of the world and have seen them in action. They are good, provided that the Licensing Court sees that they comply with the Licensing Act. The North Terrace boulevard cafe should never have had a permit granted without its first providing the necessary facilities. I agree with the idea of the outdoor cafe, but, for an oversea visitor to this State to leave any say how primitive Adelaide is, that should not have happened as it did on this occasion. If adequate facilities are provided, such open air cafes are good. Perhaps the Health Act has too stringent a requirement, but it is important that food is served and provided at the same standard as it is served and provided elsewhere. I have been informed that the North Terrace boulevard cafe provided food under conditions not up to the normal standard.

Mr. McRae: That's a most unfair comment.

Mr. McANANEY: I have been informed that the food was excellent, but that the conditions under which it was prepared were not up to standard. There may be argument as to what is expected before food is served to the public. However, it was definitely not provided under the standard expected of other restaurants. However, I endorse the remarks of the member for Playford about the quality of the food.

I do not believe that adequate coverage has been given in the Bill to the quantity of food provided. Outdoor cafes should not become just drinking places. They must be drinking places, but not places where customers can drink in the street and imbibe as much liquor as they like without eating. I do not understand the reason behind clause 34, which provides that the holder of a full publican's licence, limited publican's licence, or a restaurant licence can apply for a special permit in special circumstances. Instead of this being left to the discretion of the court, a limitation is now placed on the court. The court can issue only six licences annually to the same licensed premises. I hope the Attorney-General will explain this provision.

Section 39 repeals section 84 of the principal Act. I oppose this, because it is necessary to publicize certain activities of the court and to show the general public and others interested in an action that it is still publicized and information can be easily obtained. Questions have been asked in this House. Ayers House, the new National Trust building, to which reference has been made, could be granted a licence. I do not believe that we have so far been able to obtain information on how the licence is to be issued, to whom it is to be issued, or under what conditions it is to be issued. Not only must justice be done: it must also appear to be done. When there are grounds to believe that something is under cover, this Parliament should see that there are not conditions under which such a thing can remain under cover.

The prescribed tourist hotels are a good idea, but I cannot understand why the power to

object has been eliminated. The Attorney-General has not explained fully the reason for this. Once again, it is taking something away from the court and handing it to the representative of the people, but it is easier to get justice by going to a court than by going to a busy Minister who has many things on his mind and who has not the opportunity to examine the matters of concern. People cannot lodge objections with him with the same satisfactory result as if matters were left to the court. As I think the points I have raised need some explanation, I hope the Attorney will answer me during the Committee stage.

The provisions with regard to clubs are a good idea. The clubs have developed, although in some instances they have merely become drinking places. I recall the instance of a club of about 28 members with a turnover of $40,000. Either the members had a terrific drinking capacity or many people who were not members went to that club. Provided clubs are kept within reasonable bounds and provide mainly for the requirements of members and their friends, they are desirable places for people to meet and converse. With those few remarks, I generally support the Bill.

Dr. TONKIN (Bragg): Although I support the Bill in principle, like the member for Mitcham I am not very pleased about some aspects of it. I believe it goes one step farther towards widening the approach to the sale of liquor, and that it will have a significant effect on the drinking habits of the community. It may be argued that the drinking habits of the community are already fairly well established and that the Bill is only catching up with them. That may be so. One thing that worries people particularly is the number of young people who now frequent hotels in the metropolitan area. These hotels seek to cater especially for the young trade.

Mr. Payne: The swingers.

Dr. TONKIN: There is undoubtedly a problem with young people whether they are 18 years old or 16 years old, and it is hard to tell the difference. It seems that young people have been encouraged into hotels. If we had no restrictions at all, we might find a civilized approach to drinking. Perhaps young people would find nothing then to attract them into hotels. They would not then have the thrill of breaking the law by having a drink. Although I do not think this is a major aspect of the problem, I know that an alarming number of alcoholics began drinking in social groups in hotels at about the ages of 16 and 17 years. This is to be deplored, but how we can get over it I do not know. We must continue to bear this problem in mind. Some time ago the Attorney-General and I were attacked for allowing 18-year-olds to drink in hotels. It is interesting that the person who made the attack has had personal experience of alcoholism. I suspect that sometimes alcoholics, or people who have that propensity, subconsciously desire that there should be rules and restrictions against the easy supply of liquor.

Mr. McAnaney: Did you support my amendment to keep 18-year-olds out of bars?

Dr. TONKIN: I am commenting on the present situation. I think an amendment to keep 18-year-olds out of hotels may have the opposite effect. Some time ago in the House I suggested that we should have a working inquiry into all matters pertaining to and surrounding abortions. I believe that we should also have an inquiry into teen-age drinking, the inquiry to be conducted by qualified social workers, and possibly officers of the Alcohol and Drug Addicts Treatment Board. Unless we know the facts, we are not really in a position to legislate on this subject.

Like the member for Mitcham, I do not like the short-circuiting of the courts in relation to the prescribed tourist hotel. This provision puts far too much power outside the court. As a newcomer to the House, I am amazed at the number of times in this volume of legislation we are being asked to consider (and the present Bill is No. 159) that reference is made to a matter being placed in the hands of the Minister. Once again, in this case the power is being given to the Minister. Although one cannot see the present Minister abusing the power, nevertheless the power could be abused. I have no real worries about the provision relating to the purchase of small quantities of wine from wineries; I think it is probably a good thing. In the past, it has been a disadvantage to have to take large quantities of wine home in the boot. I am not at all happy about the effect that this might have on the trade of hotels and licensed wine dealers. However, if the provision is applied sensibly, it will possibly be a good move. The Attorney-General may say that people in hotels do not do too badly.

The Hon. L. J. King: I wouldn't say that, but I suggest you be consistent when you get to reception houses.

Dr. TONKIN: I was going to lead up to that, because I have already heard the Attorney's views on it. I am a little concerned that inroads may be made into the business of hotels

by the activities of licensed clubs, which will now be permitted to sell liquor virtually on the same terms as hotels are allowed to sell it. Perhaps I am a bit old-fashioned, but I liked the idea of taking a guest into a club and paying for his drinks. Of course, it is nice to be taken into a club and to have one's drinks paid for. It cuts both ways, and how pleasant it is depends on whether one is on the receiving or giving end. I do not think we should open the sphere of the club any wider than it is now open. I am not happy with this provision. One of the good things about opening up this legislation has been the fact that many hotels have upgraded their facilities to provide a more club-like atmosphere. I am also concerned that eventually people will walk into clubs, pay an instant membership fee, and go their way without having to be in the presence of a member. I hope that such a provision is never introduced, because it would be going too far. I agree with the remarks of the member for Mitcham about allowing a restaurant to close on one evening. I know the gentleman concerned in this matter very well, and I am sure he and other restaurant proprietors will be pleased with the provision, because the present requirement is an imposition. As the Minister of Labour and Industry is aware, about a week ago we were talking about guaranteeing people a five-day working week. People who conduct restaurants, as in the case of delicatessens, are often members of a family, and it is extremely difficult to expect them to open all the time on every day of the week.

Mr. Langley: That's what your former Leader said.

Mr. Crimes: He wanted a completely open slather, and you cannot deny that.

Dr. TONKIN: The member for Unley ought to read the clause, because he has missed the point, and it is not the first time that he has done that. Reception houses are in a rather different situation. There are about 10 or 12 of these in Adelaide and they provide a useful service for the community. They are generally the venue for wedding receptions, and they take much of the worry from the bride's father in arranging many of the details of a wedding reception.

These places are extremely necessary to our way of life. The fact that there are as many as 10 or 12 of them in this city shows that they are providing a more than worthwhile service for the community. They provide not only a venue for weddings but facilities for holding dinners for service clubs, and so on. I remember the pleasant surroundings in a reception house at Burnside, where the Burnside Lions Club used to meet. These places deserve all the help they can get. By and large, hotels are not keen on having wedding receptions at the weekend. Friday and Saturday are the days when the hotels expect heavy trade, and this when the reception house is busiest.

The provisions of the principal Act mean that the proprietor of a reception house must obtain his liquor from a local publican or holder of a retail storekeepers licence, and proprietors of reception houses are placed at a disadvantage. In the case of a wedding reception, where a permit has been obtained by, perhaps, the father of the bride, it is possible for the reception house to provide liquor for that wedding reception and charge the cost of it to the father or whoever is in charge of the function.

In the case of a wedding, the position is fairly straightforward. Nevertheless, the proprietor of the reception house is obliged to obtain his liquor from the local publican or retail storekeeper. He cannot go to the direct suppliers of liquor and get it at wholesale rates.

Mr. Langley: Do they charge corkage?

Dr. TONKIN: I do not know. As I have said, there is no problem in the case of a wedding: the proprietor of the reception house supplies the guests and the bride's father pays the total cost. He is the holder of the permit. However, in the case of regular dinners, as are held by Lions Clubs, Rotary, Apex, and the Junior Chamber of Commerce, as well as many other groups, it is not possible for individuals in those clubs to purchase liquor on their own account. If they do so, despite that a permit is held, they are breaking the law.

There should be some way in which members of service clubs or persons attending banquets should be able to purchase the liquor direct from the reception house proprietor. I have it in mind to take further action regarding this matter. Generally, I do not oppose the widening of our drinking habits, provided that drinking is done in a civilized way. I am particularly concerned that drinking with food be emphasized at all times. This comes through as part of the restaurant licence, and I think this is excellent. I am not so much in favour of widening facilities for drinking in hotels without taking food.

I believe that the sidewalk cafe is good. It is a pleasant situation. People eat and drink in public, and no harm can come of this

arrangement, except where food is not supplied and liquor is supplied on the promise that food will be ordered. I suppose this is inevitable in busy circumstances and I have been told that people have placed an order for food, been provided with liquor before the food has arrived, and then left without eating the food.

Mr. Langley: That hasn't happened at hotels, either, has it?

Dr. TONKIN: It does not matter so much at hotels during trading hours. The position that I have referred to should be watched and proprietors of sidewalk cafes and other people in this category should be careful. Subject to my concern about reception houses and prescribed tourist hotels, I have no objection to the Bill.

Mr. McRAE (Playford): I support the second reading and the philosophy of the Bill, except that contained in clause 35 *(e)*. We are considering a series of amendments to what is admittedly a complex Bill dealing with a complex area of the law. The Attorney-General has the advantage of having been counsel assisting the 1966 Royal Commission on the Licensing Act and, in introducing the various topics, I think he can rightly point to the fact that, since the 1967 Licensing Act was introduced, more civilized and orderly drinking has resulted. I think that the whole social pattern in South Australia has changed for the better, as a result, although there is room for more improvement.

I agree with the member for Bragg who said that, as a result of many of the provisions of the 1967 legislation, standards in hotels were increased, many hotels having unfortunately reached the stage where they expected patrons to put up with whatever was given to them. We now find that the general standard of hotels throughout the community is excellent. There is a viable situation, and we have a balance whereby hotels, motels, restaurants, and various sorts of club are all in competition with one another. As a result, the facilities have never been better, and that is an excellent situation.

The provision relating to the prescribed tourist hotel is, I think, a good idea. However, I suggest that in new section 192a (2) a patent injustice is apparent, in that the Minister "may, at any time, by subsequent notice ... revoke a notice under this section". That is to say, a Minister may, without giving any reason, or without giving the proprietor (the licensee) any chance of justifying a position, or without allowing him the right of appeal, revoke the prescription. I think that is wrong and that it should be remedied in Committee. Subject to that, I think that the idea of a prescribed tourist hotel, which must have standards well above the ordinary and, therefore, must have prices well above the ordinary, is a good one. Once we have that situation, I think it is an excellent thing to grant such a hotel extended hours. I hope that the Government's idea of a prescribed tourist hotel in Victoria Square will come to fruition.

I notice that Sir Reginald Ansett's excavations on North Terrace are proliferating. We started off with one excavation next to the Strathmore Hotel, and we were told that Sir Reginald Ansett would build a hotel on that site, which is still vacant; and now we see that the South Australian Hotel has been pulled down and the site excavated, and scaffolding and tin sheds, etc., have been placed there, but there is still no hotel. I suspect that once again Sir Reginald Ansett will leave Adelaide with another hole in the ground. I hope that when the relevant authorities are examining his applications in the future they will start refusing them, because it seems to me that he is not helping the aesthetics of our city. However, I hope the Government will be more successful in getting the right sort of investor to erect a prestige hotel in Victoria Square, because I think we need such a hotel.

The next provision deals with national parks and pleasure resorts, and I see no reason why people camping should not be able to have the same access to liquor facilities as others have who choose to spend their weekend at home and who can resort to the nearest hotel or club. The Bill deals next with the extension of trading hours in hotel dining-rooms or restaurants, and grants an extension from 11.30 p.m. to 1.30 a.m. Again, I think this is reasonable and more in accord with modern standards. I am glad to see that one quite un-Australian provision of the old Licensing Act has been removed, namely, the provision that a visitor to a club cannot pay for his own drinks but that the member must pay. We know that this provision was honoured more in the breach than in the observance.

Licences are to be granted to cinemas, and I see no distinction here between cinemas and live theatres, provided the facilities for the supply of liquor are of equal standards. I do not think for one moment it is likely that the supply of liquor in theatres or cinemas

will add to any problem of teenage drinking. Having listened with interest to what the member for Bragg had to say on this matter, I can only say that, having had industrial experience in this matter, I agree that certain hotels throughout the metropolitan area attract an undesirable type of clientele. The police tend to adopt the attitude that it is better not to move these people on, since at least they know where to locate them. A certain North Adelaide hotel attracts many young people who seem to me to be below the current legal drinking age. However, far be it from me to try to estimate the age of these people when I drive past, often in the semi-darkness. Nevertheless, I think it is an example of one of the hazards with which the industry has to contend.

I think the paragraph relating to boulevard shops is an excellent idea, although it raises for those involved in the industry an interesting speculation: we will probably now have applications by the Liquor Trades Union for disability allowances for their employees. I can well imagine that, as the member for Mitcham said, barmaids will have their complexion ruined by the sun or dresses and other apparel ruined by the rain. I can well imagine that Mr. Dillon of the union will be seeking a disability allowance, which I think will be rather unusual, since it is applied only in the heavy industries, including the building industry. However, I think the whole idea of the boulevard establishment, given the right climatic conditions, is excellent and, contrary to what one or two members opposite said, I personally thought the boulevard restaurant on North Terrace was excellent for the supply of food and liquor and for its general service.

I am pleased to find that the Bill provides that, when an employee supplies liquor to a person under age, the licensee will share equal responsibility under the law with the employee. To date, we have had a most unfair situation, wherein a barmaid or, to take a more usual example, a drive-in attendant is required to gauge the age of those requesting service. This is an almost impossible task. A drive-in bar attendant has to work hard at his job, often in semi-darkness; so, it is very difficult for him to determine the age of the people involved. It is easy to say that he should stop each car and obtain proof of age, but that is actually an impossibility. Indeed, with modern fashions it is sometimes difficult to determine the sex of the purchaser, let alone the precise age. So, the provision in the Bill is a sound move.

I strongly disagree to clause 35 *(e)*. The philosophy behind the legislation and behind the whole industry is one of balance. Over the last few years not only in terms of licensing but also in terms of industrial organization the Australian Hotels Association, the motels association, the clubs and the union have tried to maintain a balance between the various groups, because it is unfair to give one group an advantage over another. I object to clause 35 *(e)*, which prohibits a permit holder from selling liquor once trading hours in excess of 39 hours are reached. At present, discretion is vested in the court.

I can see that a good case can be made out saying that Parliament ought to lay down some sort of standard by which the court can judge the situation. The argument goes along these lines: if a hotel is obliged to trade for about 78 hours a week, it is unfair to allow a permit club to trade for that number of hours or anywhere near that number of hours, since a permit club is not obliged to be open at all times and it does not have the restrictions that licensed hotels have. So, it may be said that a balance is being restored and that a yardstick is being provided for the court, but I do not agree with that argument. Members are being sold a pup. This provision is an indirect way of the Government's getting greater revenue, because the provision will force a permit club to pass into the category of a revenue-paying club. I will not support that kind of provision, particularly when its effect is not made clear in the second reading explanation.

In order to justify a change in the law in this area, one ought to demonstrate that there is some existing disability, but I do not find that the Licensing Court is unable to exercise its discretion at present. I realize that from time to time judges are reported to have said that perhaps Parliament ought to lay down a line of arbitration. The judges under the Licensing Act have a very difficult job: they must exercise a day-by-day discretion, and I do not envy them. However, I have no evidence to say that the discretion they have exercised over the last four or five years in this area has created any injustice. So, I believe the provision is unwarranted. It is aimed at stopping large football clubs with large turnovers in the country from trading for as long (or nearly as long as) hotels nearby, while those football clubs do not have the restrictions imposed on hotels. However, the second reading explanation does not tell us that.

Whyalla has an enormous club that grosses $40,000 a year, but there are many smaller

clubs that gross nowhere near the amount suggested in the Bill, yet they would want the facility of longer hours. I have in mind clubs like the Coronation Street Club that will never be viable economic propositions, yet they require long hours for social purposes. We should not make such clubs sources of revenue for the Government. Subject to my strong opposition to that provision, I support the Bill, which shows a continuing trend of liberalization. Every part of the Bill except clause 35 *(e)* shows a progressive forward step toward liberalization, but the provision I have referred to is a regressive step that stamps out something that provides an amenity to the public and does not disturb the balance in the industry. Subject to that qualification, I support the second reading of the Bill.

Mr. BECKER (Hanson): The member for Playford says that the Bill shows a continuing trend of liberalization of our licensing laws and that it is a progressive forward step. I wholeheartedly agree with the words "continuing trend of liberalization" and "progressive forward step". In his second reading explanation the Attorney-General said:

> The present Licensing Act has been in operation for over four years. ... The Act has, in fact, generally worked very well. The adverse social consequences that some feared would result from the introduction of extended trading hours have not materialized. In general, a more civilized pattern of drinking has emerged.

I would agree with that. The Attorney-General continued:

> However, continuing experience with the Act has disclosed certain areas in which its operation may be improved and in which further relaxation of the restrictions upon drinking may be made without adverse consequences.

As a result of experience I have had with people in the hotel business and in clubs, I know what a traumatic experience it has been for them in obtaining licences from the Licensing Court. The Bill has by-passed one of the most fundamental aspects of hotels. When hotels were first established they provided accommodation, but over the last 10 years to 15 years the aspect of accommodation has tended to fall off. Nowadays many hotels provide the bare minimum number of rooms and concentrate on selling liquor. Whilst the Bill recognizes tourist hotels and whilst a tourist hotel can be licensed until 3 a.m., I should like to see an increase in the number of beds that must be provided. There is a hotel in the metropolitan area that has only eight bedrooms, but it has huge bars, and is interested in nothing but drinking facilities. Such a hotel is virtually a beer shop where one can go and have a swill and this has damaged the image of the hotels. The hotel to which I refer has a majority of customers under 25 years, and it is an ideal hotel for them. However, this has driven away the young married couples and the middle-aged persons who have been forced to look to more expensive hotels where they can be seated for a meal and enjoy a dance if such a facility is provided. Unfortunately, our hotels have divided into two types, that is, those for the young swinging group (to which I have no objection), and those for the more staid person who looks for something else. It would be better if there were not this distinction between these two types of hotel.

The Bill encourages tourist hotels, and this is important in my district, where we have good hotels. However, accommodation and other facilities still need to be improved. The incentive of 3 a.m. licensing will allow the introduction of floorshows, and this will warrant financial expenditure on new buildings so that we may have world-class hotels.

I was also interested to hear the Minister in his second reading explanation say:

> At present the lessee of the chalet in the Wilpena National Pleasure Resort holds a limited publican's licence. There is substantial demand from campers in the area for liquor. This demand cannot be properly met because of the restricted nature of the licence.

I am pleased to see these new provisions applying to national parks and other resorts. Many people who travel to these areas are not sure whether they can obtain liquor when they arrive and they take it with them, but that is additional luggage they have to carry. However, we do not want our national parks and reserves littered with the dreaded tin can, and I hope this result will not flow from the widening of these laws.

Another interesting side issue disclosed by the Minister in his second reading explanation is the special licence that may be granted to the Commonwealth Railways Commissioner. The Minister said:

> The Bill also provides that special licences may be granted to the Commonwealth Railways Commissioner and to authorities in engaging in construction works so that the needs of the workers engaged in areas in which liquor cannot be readily obtained from licensed outlets can be adequately supplied.

There could possibly be nothing worse for those men working out on the Nullarbor repairing the Commonwealth railway line or carrying out the apparently perpetual repairs

to the line to Alice Springs than not having liquor available to them at the completion of their day's work. I believe that those men are entitled to a drink in such circumstances. In many cases it was previously necessary for them to travel a considerable distance from the workers' camp to the nearest hotel. It is obviously beneficial (particularly in the light of the safety of the return journey from the hotel) for liquor to be available at the work camp.

Another interesting sidelight relates to the provision of a special licence to permit the sale of liquor at the Cornish Festival to be held at Kadina. The Minister said:

The committee providing this festival has decided to proceed with the festival over the Labor Day weekend.

A comparison is drawn with the now famous Barossa Valley Vintage Festival. The Barossa festival, which has been an outstanding success over the years, has become a wonderful tourist attraction. I know that at the Barossa festival the wine flows, but I know that common sense generally prevails, and the availability of liquor helps publicize the festival and helps the tourist industry.

An important point referred to by the member for Playford is that the Bill makes it a little easier for club members introducing visitors to clubs, so that the member does not have to pay for all the drinks. I shall be interested to see whether that amendment affects this House and I will seek that information in Committee. We know that the Standing Orders of this House provide that, if a member takes a visitor for a drink, the visitor is not permitted to buy the drinks. Concerning visitors to clubs, the responsibility has been in the past for the member to stay with the visitor, but I hope that now, if the member wishes to leave and if the visitor wishes to remain and drink in the club, the visitor may do so. The Minister said in his second reading explanation:

The Bill enables a publican who has been invited by the organizers of an entertainment to operate a booth permit to pay over a proportion of his receipts to the organizers.

This affects many charitable and sporting organizations because, when they have a booth, the operator of the booth makes a profit, whereas in many cases those who have organized the function and have done much of the work are lining only the pockets of booth holder and not helping the charitable organization which the function is designed to aid.

Much has been said about outdoor restaurants, but I believe they are a wonderful attraction for the city of Adelaide, and I hope they will be introduced in Glenelg. The atmosphere at Glenelg lends itself to such an amenity, and I can imagine such a cafe established on the foreshore south of Jetty Road, by the hotel. The hotel could make a most pleasant and attractive area near the pine trees, and nothing would be finer than to have a drink and a paddle, so long as people did not drink too much and get out of their depth.

Concerning the restriction on the hours of small country clubs, we know that in the metropolitan area large sporting clubs and other clubs are successful because they are licensed and their profits from liquor sales help in the operation of the club itself. This is beneficial and allows for membership dues to be held at a reasonable level. In the country areas, however, football clubs and cricket clubs are always battling for funds. Coming from a country town, I realize that the hotel licensees will be opposed to allowing small clubs to have licences, because they believe that it will affect their trade. However, if a country publican provides a good enough service, he will keep his customers. At the same time, country people give a certain loyalty to the local football or cricket club, attending it on some occasions. In small country towns, local publicans are generally patrons of these clubs, as this has been fairly good insurance for them over the years. I believe that small clubs in country towns should be given a little bit more of a go than they are given in the Bill.

Generally, the Bill modernizes our drinking laws, providing for a more cosmopolitan way of life, which is what we want because our climate and the structure of our society support such a way of life. As members know, most people in our population are under 35 years of age. Our population includes people from most countries throughout the world, although migrants from mediterranean countries predominate. I believe that it is a bit harsh to reduce from two gallons, four flagons, or 12 bottles of 26oz. to 2 *l* (about 20oz., one flagon or, say, three bottles) the minimum quantity of wine that may be sold by the holders of a vigneron's licence. Most people know that they can now go to a vigneron and purchase a certain amount of wine at some discount. Lately many people have preferred to select the type of wine they like, buying it in bulk and bottling their own blends. This has proved a successful gimmick among many Adelaide businessmen. They

mix various types of wine, red or white, making their own blend. They give this wine as a gift to their friends or serve it in their own home. The provision in the Bill is rather restrictive.

Moreover, it does not cover the many people who make wine in their backyard and sell it under the lap. There is no check on this, no tax is paid, and no-one knows how much wine is made in this way. No-one knows how much is given away and how much is sold. I believe the quantity involved would be considerable. Perhaps we may have to consider this problem in future. As I have said, this is progressive legislation and will help to encourage tourism by providing for a higher standard of hotels and clubs. As it includes commonsense provisions relating to the whole problem of the sale and consumption of liquor, I support the Bill.

Mr. EVANS (Fisher): The member for Playford said that he believed a licence should not be issued in respect of the piece of property opposite, as the Ansett company was not prepared to go on with the hotel at present. The honourable member knows well that it was the Government's action in giving a handout to another group to build a tourist hotel in Victoria Square that has caused Ansett to make this decision. This man has enough business knowledge to know whether such a hotel will be viable. He knows that, when private enterprise has to compete with Government enterprise, it has little chance of success. What the member for Playford said was unfair and unrealistic. The last thing South Australia wants is two luxury hotels that may not survive. If the Government intends to subsidize one hotel, by providing land at a peppercorn rental, there is no reason for Ansett to think that another hotel may be viable. The fact is that we have lost one of our historic buildings, thinking we would gain a luxurious modern hotel, but we have found that Government action has probably stopped that project.

Clause 49 provides that the publican or the barman or barmaid is liable to prosecution if liquor is supplied to a person under 18 years. We all know that young people who break the law in this way know that they are not permitted to buy liquor. Yet we are putting the obligation on the publican, who may not even be in the bar at the time, or on the barman or on the barmaid to decide whether a person is aged 16 years or 18 years. That may be possible to decide in some cases, but the member for Playford has admitted that he could not judge a young person's age. Does he think that a barman or barmaid has a greater ability to assess the age of a young person? It is unfair to place this burden on these people. We should place this onus on the people who are responsible for committing the offence.

We seem to have this idea of protecting people from their own mistakes. The person under 18 years who buys liquor knows that he is guilty, and he should be liable for this offence. A person over the age of 18 years who buys liquor and gives it to people who are under 18 years is also guilty. I do not like this clause. Let those who make an error and break the law pay a penalty and let us not pass a law that puts the burden on someone who does not deserve to have that burden placed on him. I support the second reading of the Bill and, subject to certain amendments being accepted, I will support the third reading.

The Hon. L. J. KING (Attorney-General): I express my appreciation to members who have taken part in this debate. I thank them for their useful contributions to the debate and for the thoughtful way in which those contributions have been expressed. Licensing laws are difficult laws, from the point of view that they must have regard to the public interest generally and meeting the changing needs of the public regarding liquor, and at the same time must hold a balance between the competing interests in the liquor trade. Lastly, they must be capable of enforcement.

When one tries to combine those three considerations and produce licensing laws that meet those three criteria, one finds the task difficult, and the result is quite likely to be not as one had expected. Therefore, any proposals to amend the licensing laws must be subjected to careful scrutiny, and the contributions by members on a Bill such as this are more than ordinarily useful.

Many points were made during the debate and I shall deal, I think, with most of them in my reply, because what I have to say now may influence the attitude of members in the Committee stage and I may be able to clear away some objections that have been expressed. First, I shall deal with the provisions in clause 53, relating to tourist hotels. The object behind this clause, I think, appears reasonably clearly from the clause itself. The new section provides:

(1) Where the Minister of Tourism is satisfied—

(a) that any premises or proposed premises, and the service provided for those who

may resort thereto, is or will be of an exceptionally high standard;

(b) that a full publican's licence is in force, or has been, or will be, sought in relation to those premises or proposed premises; and

(c) that it is necessary or expedient for the purpose of promoting the tourist industry to make a declaration under this section,

the Minister may, by notice published in the *Gazette,* declare that those premises constitute a prescribed tourist hotel.

First (and I am dealing with the matter in the reverse order to that expressed in the clause), the Minister must be satisfied that it is necessary or expedient for the purpose of promoting the tourist industry to make a declaration under that provision, so we start with the Minister's considering whether the constitution of a hotel or the alteration of a hotel has made it of such an exceptionally high standard that it can be said that it is necessary or expedient for promoting the tourist industry to declare it a tourist hotel.

The idea is that it is the responsibility of the Minister in charge of tourism to promote tourism and, if necessary, to promote the building of a hotel that is likely to be of advantage to the tourist trade. He may be approached by interests who desire to construct a hotel of such an extremely high standard that it will be a tourist attraction. At present, people who are minded to do this must still satisfy the Licensing Court that there is a need for the services that the hotel will provide. It is left to the Licensing Court to make a decision on this. Other people may object that they have hotels in the vicinity, perhaps in the city square mile, which can provide for the liquor and accommodation needs of people who come to Adelaide, and that therefore there is no need for a further hotel. This objection might be quite artificial, in the case of a hotel that will be of such an exceptionally high standard and will cater only for the expensive tourist trade.

Moreover, the court is not really able to judge whether it is expedient for the purpose of promoting the tourist industry that a declaration be made under this provision. It is essentially a judgment to be formed by the Minister who is responsible for the promotion of tourism. Therefore, two factors are involved. First, the Minister should be free to negotiate with interests who are considering constructing a tourist-type hotel or converting existing premises into a tourist-type hotel. He must be free to negotiate with them on the basis that they will not have to meet objections that there is no need for the hotel, because the liquor and accommodation needs are already being met.

In addition, the Minister is best able to form a judgment on whether a certain hotel, either an existing hotel to be converted or a proposed new hotel, is of that kind. The solution that has been arrived at after much thought is the present clause, first to relieve the applicant of the necessity to satisfy the court, under the provisions of section 47, regarding the ordinary objections and, secondly, relying on the declaration of the Minister that the hotel is or will be one that will meet the necessary tests. It is necessary to be able to assure people who are minded to construct a hotel of this kind that, provided they produce a hotel that complies with the plans and specifications submitted and the description of it submitted, they will get a licence as a result of the Minister's declaration.

Mr. Millhouse: On the matter of standards, do you say that any hotel in South Australia at present would be of an exceptionally high standard?

The Hon. L. J. KING: I am not the Minister in charge of tourism, so it would be presumptuous of me to say anything on that, but I would imagine that the Minister's thinking would be that none of the existing hotels, at least without substantial changes, would be able to meet the criteria. It may be that one would, but I do not know. This is something that only the Minister could decide when he had considered the whole matter. I must say that, primarily, the clause has been included to enable the Minister to attract people who are interested—

Mr. Millhouse: Is this Victoria Square?

The Hon. L. J. KING: We need not concern ourselves with that, although—

The DEPUTY SPEAKER: Order! Interjections are out of order.

The Hon. L. J. KING: If Victoria Square has a tourist hotel of exceptionally high standard, it may qualify for declaration, and other hotels may qualify also.

Mr. Millhouse: There may be one across the road.

The Hon. L. J. KING: I should hope that there would be. Nothing would be better than to have hotels of such a standard that they were likely to attract tourists from other States and overseas, but my comment is that hotels of that kind should not have to be based on the normal criteria of needs of the public and accommodation.

Mr. Millhouse: Of course, the public will be able to use them.

The DEPUTY SPEAKER: Order! The member for Mitcham has spoken in the debate and he is out of order in interjecting.

The Hon. L. J. KING: The public can use hotels that are erected under this clause and which receive the declaration of the Minister under the clause, but the predominant feature of the provision is that the Minister should be able to make a declaration in relation to a hotel because it is necessary or expedient for the purpose of promoting tourism, and the declaration would be that the ordinary objections would not apply and that the extended hours would apply in certain parts of the hotel, which I presume would be lounges, lounge bars, and such areas. The suggestion has been made that the prescription of what is or what is not a tourist hotel should rest with the Licensing Court and not with the Minister, but this matter is really outside the experience and competence of that court. I think it is much more desirable that the decision should be left with the authority responsible for promoting tourism in the State, namely, the Minister who is in charge of tourism, and certain things follow when he is satisfied in this regard.

The member for Mitcham then dealt with the provision that will enable the Commonwealth Railways Commissioner to obtain a licence in certain circumstances. This resulted from an approach by the Commissioner himself, in the first instance, to the Licensing Court. It was pointed out that there was great difficulty in obtaining supplies of liquor for fettlers in camps along the east-west line and that it would be desirable for the Commonwealth Railways to supply cans of beer to those workers in remote areas along the line. I agree that the concept of a Commonwealth authority receiving a licence from a State court for the supply of liquor is a little odd, but I think the Commonwealth Government is to be congratulated on taking the view that it has taken. In fact, the Commonwealth Railways Commissioner will not supply the liquor unless authorized to do so under the State law.

Mr. Millhouse: He probably could.

The Hon. L. J. KING: Yes, but I will not take it any further than I have taken it, because I do not need to. The Commonwealth Railways Commissioner was willing to say, "We will not do this unless your licensing authority permits us to do so."

Mr. Millhouse: I hope the Army Board doesn't take the same view.

The Hon. L. J. KING: I did not realize that the member for Mitcham would be involved in that issue. However, I think the present provision is satisfactory from the State's point of view, and I think we can assume that the Commissioner will act responsibly in carrying out the conditions of any licence granted to him. The member for Heysen suggested that clause 34 placed a limit on the number of special occasion permits granted to a publican, but that is not the intention of the Bill. The object of the present provision is to enable a hotel licensee to have special occasion nights quite apart from entertainment taking place on the premises, such as on the occasion of a special country show or race meeting, or some function in the suburbs (perhaps grand final night in the area fortunate enough to have won the trophy; or Adelaide Cup night, etc.). I refer to occasions when it is desirable that hotels should have later trading hours than on other occasions.

Some question has been raised whether the clause as at present drafted leaves any doubt in this regard: I personally do not think it does but, since the question has been raised, I have asked that this matter be clarified, and something will be done about it at a later stage. The intention is that the existing rights of licensees regarding special occasions should remain and that, in addition, they should have the opportunity to apply for a maximum of six occasions when they can open their premises without any entertainment being required. I think it is reasonable to accede to the request of the Australian Hotels Association that there should be a more straightforward approach to limiting the number of special occasion permits granted.

The member for Mitcham has referred to the amendment that will enable visitors or guests of a club to pay for their own drinks. The situation has existed for a long time that guests of club members do, in fact, pay for their own drinks. I think that in most clubs there is absolutely no policing of the present provision which, in fact, cannot be policed. I realize the dangers referred to by the member for Mitcham: one has to guard against the possibility of clubs engaging in open trading with the public. However, some effort has been made to ensure that this does not take place by requiring a member to sign in his guests, and this ensures that visitors have some member of

the club responsible for them. It is not impossible for clubs to evade this provision but it is always possible for police officers to go to a club and to question those present. However, I think the time has come to delete a provision that cannot be supported.

The Bill provides for the granting of section 67 permits to clubs which have come into existence since 1967 or which will come into future existence. Criticism has been made of this provision, but it is important to consider the history of the matter. Prior to 1967, when the new Licensing Act was passed, many clubs had been trading illegally for a long time. Official tolerance was extended to clubs in that regard as well established practices had arisen concerning clubs. The 1967 Act sought to make provision for clubs by means of licensing, subject to the condition that purchases were from an approved retailer. That provision was introduced for the first time in Australia, as far as I know. Permits were introduced to legalize the existing liquor activities of clubs, the object being that, wherever a club had developed regular liquor activities, it should apply for a licence as soon as possible. Permits were simply to legalize the activities of existing clubs until they obtained a licence.

Experience gained from the granting of permits has shown that permits have a useful function in the licensing structure. Many clubs trade with their members only on a limited basis. The liquor supply is strictly ancillary to other practical activities of the clubs, for example, in the case of a bowling club where liquor is supplied to members only when sporting activities are taking place. Other small clubs meet only occasionally and trade with their members on those occasions only. In such a situation there would be no point in applying for a liquor licence. The permit enables a club, by the payment of a small fee, to purchase its liquor from the local hotel and supply it to its members, and this works well. The situation has now become anomalous, because a bowling club operating prior to 1967 can get a permit but a club formed in 1971 or 1972 cannot get one. Such a club has either to apply for a full liquor licence or provide no liquor facilities at all. The provision in this Bill allows facilities available to clubs that came in existence prior to 1967 to be applicable also to newer clubs. As I see no objection to this, I cannot see why objections have been raised.

The member for Mitcham has referred to liquor facilities that will be made available to cinemas. I do not think he made a serious objection or that he made any objection at all. True, such facilities would be available at drive-in theatres as well as at hard-top theatres. This would depend on the facilities available. I suspect that there may be few applicants for this type of facility, although some drive-in theatre proprietors may be interested in it. Certainly, little enthusiasm has been shown by the live theatres, and this amenity has been available to them since 1967. I see no reason, however, why cinemas should not apply if they have the facilities and believe that there will be a need. This is a need that cannot be supplied in most cases by liquor booths, because the trouble and cost involved for any publican would be much greater than any profit likely to be derived from the sale of liquor during the interval. For the public's wants to be supplied in this area it can be left to the cinema proprietor to obtain a licence.

Reference was made to the proposal for outdoor liquor permits and it has been said that we have been perhaps carried away by what has occurred during the course of the recent festival. I am not one who was carried away: I can see that, in some months of the year in Adelaide, this can be an attractive feature of city life. However, it is unlikely that anyone would wish to sit on North Terrace and drink liquor or anything else during June or July. If existing licensees feel that they can give a service to the public during certain parts of the year by extending their premises outdoors, it can do nothing but good for the city and its citizens.

Mr. Millhouse: Why must it be in existence?

The Hon. L. J. KING: That is clear. If a special licence were created for outdoor areas, it would have to be subject to the same obligations to serve the public as were other licences, and that would mean the prescription of certain hours and times during which liquor was to be available. I do not believe that can be done with an outdoor service. How can it be stated that a licensee must undertake in certain hours to supply liquor in a prescribed area on North Terrace. It may rain or hail and it may be impossible for the licensee or his employees to be present in the locality, let alone serve liquor. It is of necessity an extension—something supplied by an existing licensee who has his own premises. He is merely given the right to supply liquor in certain areas outside his premises.

I do not believe that it is possible to create a new licence, attach all the obligations of the licence, and have it limited to certain

outdoor areas. No-one could operate such a facility profitably. Such an activity would depend on climatic conditions, which would determine the number of hours a day and the number of days a year it could operate. For that reason existing licensees can provide this as an additional facility where there is demand for it.

The member for Mitcham also referred to the definition of "liquor" in clause 4. I assure him that the provision in clause 4 is equivalent to the provision in the old Act.

Mr. Millhouse: It is no different?

The Hon. L. J. KING: It is no different, so I am advised, and it should therefore make no difference to the position in relation to home brew. The present provision, as I understand it under Commonwealth law, is that liquor is not subject to excise and, under State law, it is not treated as liquor if it is below 2 per cent in alcoholic content. This provision will make no difference to that situation, because it is simply a difference in expression to meet new analytical methods.

The provision relating to the vigneron's licence and the minimum quantity of liquor that may be sold, which was referred to by the member for Mitcham, is reduced from 12 bottles to three bottles. This has been introduced because of the repeated statement (although there have been no complaints) of visitors from other States that they would like to be able to go from cellar to cellar and buy a little wine here and a little wine there. I suppose that South Australian residents who go to the wine-growing areas also feel the same way and would prefer to buy three bottles rather than be forced to buy a dozen, because they can then bring home a much wider selection of wines. This seems very sensible. The member for Bragg said that it might make some inroads into the business of publicans, especially those in wine-growing areas, and I think it might. This is one of the cases where we must balance against the interests of those who are engaged in retail liquor sales the advantages of providing additional facilities for people who want to go to the cellar to buy wine. I believe that here the balance clearly comes down in favour of people who wish to visit the wineries. The member for Mitcham referred to clause 43, raising the question of stewards.

Mr. Millhouse: I've seen that.

The Hon. L. J. KING: The clause simply eliminates the necessity of including the names of those people in the licence, providing that they must be approved by the court. The member for Heysen deplored the fact that section 84 was being repealed. The difficulty about retaining it is that the quarterly meeting of the court to which it refers went out in 1967. As that section has no effect at present, it seems fairly wise to take it out of the legislation.

The member for Bragg made a plea for reception houses, saying that they should have the right to buy direct from the wholesaler (the brewery or winery) for the purpose of selling to people attending receptions or, indeed, dinners at the reception house. I think it is most important to consider the place of reception houses in the licensing scheme. In referring to the reduction in the minimum quantity to be sold to vignerons, the honourable member said that this would make inroads into the sales of existing retailers. The whole of this legislation represents an attempt to co-ordinate the structure so as to hold the balance among the various interests, with the public interest prevailing. It is essential to see that those who are engaged in the liquor trade are able to make a sufficient profit out of it to plough back profits into the trade, thereby providing the facilities that the public needs.

The member for Bragg rather supposed that I might take the view that publicans were already making enough. That is not the view I take of this situation. In Victoria a few years ago, I saw the consequences of a liquor trade that was simply not making sufficient profit to enable the publicans to maintain hotels at an adequate standard, and the condition of the Victorian hotels in the mid-1960's was deplorable. There has been some but not much improvement in the last two or three years. The reason for this was simply that, owing to the pressures from the breweries in Victoria, retailers were not able to fix prices that provided an adequate profit margin, and the consequences were disastrous.

In various areas of New South Wales, we see the consequence of the declining proportion of the liquor trade that exists for hotels as a result of the development of clubs. I would be the last to take the view that we should not have regard to the profitability of the hotel trade. I think that the public interest would suffer greatly if we made such inroads into this trade that publicans could not provide facilities for and service to the public. Reception houses were originally places where facilities were provided for the holding of receptions. They had no liquor

facilities whatever. Those who wished to hold a reception at a reception house engaged the reception house proprietor to supply what facilities and food were needed. The host provided his own liquor. Under the present law, reception houses have the right to obtain liquor, and thereby they obtain some profit by a discount arrangement with the publican. This liquor is supplied to the host. Therefore, there can be no sales by reception houses to individual persons.

I think it is important to remember that, as reception houses are not primarily suppliers of liquor, they do not have to carry the obligations of suppliers of liquor. They do not have to open at all times when the public needs the service. As they are not saddled with the obligations of publicans or restaurant proprietors, it would be entirely wrong to permit them to compete with restaurants and hotels without having to assume the same obligations. Certainly the idea that reception houses should be entitled to buy wholesale and make the profit that is involved in wholesale purchasing of liquor would be entirely wrong, having regard to the fact that they are not part of the liquor trade and are not subject to the obligations that the holders of liquor licences have to discharge.

For this reason, I strongly oppose this approach. This is an example of an area of the trade that, having received a certain facility, could then see no reason why it should not receive a greater facility. I sympathize with that attitude, which is natural, but that does not make it right. This would create a distortion in the licensing structure that would be very dangerous. Many other people on the fringe of the liquor trade would also like a slice of that trade, and this sort of activity is a much greater danger to the profitability of the liquor retailer than can ever be any reduction in the minimum quantity of wine that may be sold by vignerons.

The member for Bragg has suggested that, in some cases, customers of restaurants have ordered and consumed liquor, and presumably paid for it, and left the restaurant without having a meal. I do not know whether he suggested a remedy for this. Such things can always happen. It is fairly well impossible for restaurant proprietors, with the best will in the world, to prevent this. I have suggested to restaurant proprietors that the best way to protect themselves against prosecution is to make sure that a table is allotted to a customer before he is served with liquor. This is a simple method whereby the person is given a chit stating the number of the table. He can either take his place at the table or drink at some aperitif bar or annex. He can then be required to show his ticket to the waiter as a prerequisite to obtaining liquor.

This would not prevent his leaving if he wished to deceive the restaurant proprietor, but it is difficult to see why someone would want to do this, as hotels are available for a person who merely wants a drink. I do not think that this practice is so wide that stern measures should be taken about it. I suppose that the only way of policing it would be to have a team of plain clothes policemen wandering through restaurants, and so on. However, I do not think anyone wants that to happen. The evil is not widespread as far as I know and, until it becomes so, I do not think we need to worry much about it.

The member for Playford raised the questions of the hours of clubs and the proceeds of the sale of liquor by permitted clubs, as affected by the provisions. First, his suggestion that the provision has been introduced because it would provide revenue to the Government is completely false. All liquor is sold by some retailer or another and, therefore, the licensing fee that the Government collects is the same in every case. If we have a permit club or a licensed club where the licence is subject to a condition that the liquor be purchased from a publican or retail storekeeper, the retailer pays the 6 per cent and the Government gets its fee in that way.

If the club is a licensed club and makes purchases from the wholesaler, the wholesaler pays the 6 per cent. The Government gets the whole amount in either case. Perhaps it can be said that the Government gets more in the case of a permit club, because that club pays a permit fee and the publican pays the 6 per cent. To suggest that a limit has been placed on a permit club for fiscal purposes is false. Nothing was said about it in the second reading explanation, because there is nothing in the point.

Guidelines are laid down because the court has had difficulty in distinguishing what sort of club should be a permit club and what should be a licensed club. I have reviewed the history of the matter, and this has shown that the intention always has been that the permit club would be a smaller type of club that did not have sufficient liquor activities or social activities to justify the obtaining of a licence.

It was decided to provide a simple way for small clubs to obtain liquor. Now we are

making it a permanent feature of the licensing structure. The court has always insisted on larger clubs applying for licences. After the 1967 Act was passed, in the initial stages the court gave blanket permits to clubs that had been trading illegally before then.

When the Act was passed, it was not possible to deal with applications for licences. So many clubs had been trading illegally that the court would have taken years to deal with applications from all of them, so it decided to grant permits to them all, without further inquiry and almost immediately, so that their actions would be legalized in a short time after the passing of the Act.

The court then began to look at clubs as permits came up for renewal, and the larger clubs were told that they could not continue to trade under permits, which were for smaller clubs, and that they should apply for licences. There were no guidelines in the Act, and many clubs asked why the court should tell them to apply for licences when they were satisfied with the permits they had. The court found it difficult to convince clubs that they should apply for licences. Permits granted as a holding measure to legalize activities until licences could be granted came to be accepted by many clubs as the norm and they could not see the reason to change.

If the structure is to be preserved and permits are to be made a permanent feature of the structure, as the Bill provides, it is necessary for Parliament to indicate to the court what sort of guidelines it should consider in deciding what activities of a club might be regarded as being in the licence class rather than in the permit class. This can be done only by selecting a number of hours a week trading and selecting a certain volume of trade as the *indicia* of whether a club should be a permit club or a licensed club. The criteria have been fixed after much consideration and I think that, in almost every case, they will be satisfactory.

The case mentioned by the member for Playford would be a very exceptional case. It would be exceptional that a club would be open for more than 39 hours a week, which is about half of the permitted number of hours for licensed premises in a publican's licence or a club licence, but still have only a very small turnover. There may be one or two such clubs, but it is impossible to frame laws that can cater for every situation in the community. Generally speaking, the criteria in the Bill meet the situation satisfactorily.

I think that is all I need to say about the second reading debate. I hope that what I have said may clear away some doubts that have been expressed on some parts of the Bill, and that that will shorten our deliberations in Committee. Doubtless, some matters can be dealt with at that stage, if need be.

Bill read a second time.

Dr. TONKIN (Bragg): moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to the purchase of liquor by the owners of reception houses.

Motion carried.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Commonwealth Railways Commissioner may hold licence."

Mr. MILLHOUSE: I appreciate what the Attorney said about the Commonwealth Railways Commissioner, but he did not cover the points raised about prescribed authorities. Has he anyone particular in mind, or any particular circumstances in mind? Also, the distance of 6 km, which is less than four miles, is an extremely short distance in the outback. I wonder why so short a distance was fixed when the provision was drafted.

The Hon. L. J. KING (Attorney-General): To my knowledge, no project is contemplated at present; it is a matter for the licensing administration. The point was brought to my attention by the Licensing Court judge who, I think, instanced Leigh Creek. Approaches have occasionally been made by people who say, "We're working on a job in the outback where we have no access to hotels, and it is a situation concerning which authority for a canteen to operate would be much appreciated." That seems to me to be a reasonable approach. I suppose one can argue about one distance or another but, if one is considering men working on a job and knocking off after a day's work, it may not always be convenient to travel four miles; it may be too hot, transport may not be readily available, or it may even be getting too late to get to a hotel.

On many construction jobs in the outback, people work while there is light, often in the summer time until 8.30 p.m. The recommendation relating to a distance of 6 km seems to me to be reasonable. I should not think that in most cases such a facility would be granted within that distance, but the court may be satisfied that there should be a wet canteen on the site,

notwithstanding that there are licensed premises within the distance specified. The court has to consider all the relevant factors, anyway. This is simply an enabling provision, and I cannot see any reason why it should not be adopted.

Clause passed.

Clauses 9 to 11 passed.

Clause 12—"Wholesale storekeeper's licence."

The Hon. L. J. KING: I move:

After "amended" to insert "*(a)*" and to insert the following paragraph:

and

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

(5) In determining whether the trade conducted in pursuance of a licence is in accordance with subsection (2) or subsection (4) of this section, the sale and disposal of liquor to persons who are genuinely employees of the licensee shall not be taken into account.

This relates to section 21 of the principal Act, specifically to subsections (2) and (4). Some wholesale storekeepers have found it necessary to refuse to sell liquor to some of their employees, or to sell certain types of liquor to them, because they are finding difficulty in keeping sales to non-licensed persons below the 10 per cent required under these provisions. The amendment provides that sales to employees should be excluded unless a computation is made.

Amendment carried; clause as amended passed.

Clauses 13 to 32 passed.

Clause 33—"Outdoors permit."

Mr. BECKER: In the case of a boulevard restaurant, can the Attorney-General say what arrangements may be made regarding toilet facilities?

The Hon. L. J. KING: The provision of toilet facilities is a matter that the Licensing Court must be satisfied about before it grants a permit. That court has a reputation for strictness (even something a little stronger than that) in its insistence on adequate toilet facilities. It is essential that the licensees of any premises where liquor is sold should be required to have adequate toilet facilities. I have no doubt that the Licensing Court will observe the same standard of strictness in this regard with outdoor areas. I envisage that in most cases the outdoor areas will be near the licensed premises that operate as a base. However, if the court has to consider an application for a permit to have an outdoor area remote from the licensed premises, it will have to consider the availability of toilets nearby. That may create problems that the Licensing Court will have to work out, but it is not for me or Parliament to say what arrangements should be made for toilets, because we cannot envisage the circumstances of any case until it is fully presented to the court.

Mr. McANANEY: I cannot see any merit in having a place simply for the consumption of alcoholic liquor, but I can see merit in the proposal if food is provided, too. I shall vote against the clause unless the Attorney-General can explain it further. We have plenty of beer gardens at present. However, it would be delightful for people to have a meal with a drink while relaxing in an outdoor setting.

The Hon. L. J. KING: This clause authorizes the Licensing Court to grant permits to publicans to have outdoor areas where they may sell liquor either with or without food. The clause also enables the court to authorize restaurant proprietors to have areas where they may supply liquor with food, in accordance with their licence. Restaurant proprietors serve liquor wherever they are authorized to serve it, according to the tenor of their licence; so, if they have an outdoor area they will be entitled to do in that area no more than and no less than they do in their licensed premises. Publicans are authorized to sell liquor either with or without a meal; so, if they have an outdoor area, they will be authorized to do in that area no more than and no less than they can do in their principal premises. I do not share the honourable member's anxiety on the points he raised. Of course, some people misbehave when they consume alcoholic liquor, but such people will be easy to detect if they are in an outdoor area.

Mr. BECKER: At the North Terrace boulevard cafe a problem arose because there were no toilet facilities handy. Can the Attorney-General assure the Committee that that situation will not occur again?

The Hon. L. J. KING: Of course, I cannot give any assurance at all because, if I did so, I would be usurping the authority of the Licensing Court. That matter will be dealt with by the court. In reply to earlier remarks by the member for Hanson, I told him something about the practice of the Licensing Court in the past. I do not know about the actual circumstances of the boulevard cafe, because I could not get down there. A few days ago I said I would obtain a report for the member for Heysen about the matter he raised, and

I shall provide the information he requested. I have no doubt, from the past practice of the court, that it will insist on adequate toilet facilities near the open area.

Mr. EVANS: The Attorney-General said that he did not want to usurp the functions of the Licensing Court, but I should like him to state clearly whether he believes that toilet facilities should be near licensed premises. Such a statement would give some guidance to the court, but I am not asking the Attorney-General to interfere with the Court. At least we are passing legislation that has an effect. I believe that our attitude is what should be expressed, because we represent the people. Will the Minister say whether he thinks there should be adequate toilet facilities in close proximity and so give guidance to those who must put this law into effect?

The Hon. L. J. KING: I do.

Mr. McANANEY: The Minister has not yet convinced me.

Members interjecting:

Mr. McANANEY: The Minister has not yet convinced me that it is civilized to have people just drinking liquor out on the streets when there is plenty of room inside or alongside existing premises for this. I do not believe it is right that people can go to an area providing a restaurant service and have a drink without having a meal. To me, that is not a civilized procedure, and I cannot at any time remember seeing anywhere in the world people sitting at tables on the streets and drinking. I strongly oppose this clause and will call for a division on it.

Members interjecting:

The Hon. L. J. KING: I am really at a loss to understand why it should be civilized to sit in a seat on a footpath and drink liquor with a hamburger and yet be uncivilized to drink liquor without a hamburger. Unhappily, I have not had the advantage of visiting those places in Europe which provide those facilities. I am told on reliable authority that such facilities are available in the cities of Paris and Rome and elsewhere, and that none of the difficulties seen by the honourable member seems to worry those citizens. Perhaps it will be satisfactory for us to take similar action here.

The Committee divided on the clause:

Ayes (32)—Messrs. Becker, Broomhill, Brown, Burdon, Carnie, Clark, Corcoran, Coumbe, Crimes, Curren, Eastick, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, Mathwin, McKee, McRae, Millhouse, Nankivell, Payne, Simmons, Slater, Tonkin, Virgo, Wells, and Wright.

Noes (10)—Messrs. Allen, Brookman, Ferguson, Goldsworthy, Gunn, McAnaney (teller), and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Majority of 22 for the Ayes.

Clause thus passed.

Clause 34—"Permits."

The Hon. L. J. KING: I move:

In new subsection (1*b*) after "premises" to insert "but this subsection does not affect the frequency with which permits may be granted under subsection (1) of this section".

I referred to this in my reply on second reading. This amendment makes clear beyond doubt that the provision of a special permit for a special occasion is provided for licensees in addition to those that already exist. It is not by way of limitation on the number of permits that may be obtained under section 66 (1) of the principal Act.

Mr. McANANEY: Will the Attorney-General enlarge on the aspect concerning the discretion of the court? He is saying that the number is additional. How can it be additional to the number granted at the discretion of the court?

The Hon. L. J. KING: Clause 66 (1) of the principal Act provides:

Where an entertainment is to be held on licensed premises, the licensee, may apply to the court for a special permit for the sale and supply and consumption of liquor at that entertainment during hours, or in circumstances, in which the supply or consumption of the liquor would otherwise be unlawful.

That is the situation when someone is celebrating a special occasion, the publican being authorized to apply for a permit for that person. There is no limit on the number of those applications. It is simply a matter of satisfying the court that it is a proper occasion. The new situation is designed to cover cases where the publican wants to open without their being a function or entertainment. This is the case where he simply wants to open his premises later than the normal 10 p.m. He will now have six occasions when he may apply for these permits. It is hoped that this provision will overcome the subterfuges now engaged in whereby publicans hustle up customers and their relatives to get some basis for applying for a special occasion permit.

Amendment carried; clause as amended passed.

Clause 35—"Club permits."

Mr. RODDA: This clause will provide for more permits for clubs. I point out that hotels provide for travellers. Irrespective of

what clubs do for our citizens, we must remember the services provided by hotels.

The Hon. L. J. KING: This clause enables clubs that have come into existence since 1967 to be granted a permit. Previously, such clubs have had to apply for a licence. Clubs that existed before 1967 have been able to apply for a permit, and now we are extending this provision to cover clubs that have come into existence since 1967. I doubt very much whether this will cause the number of clubs to increase. Most clubs that have come into existence since 1967 and have obtained a licence instead of a permit have extended their trading to justify the licence. It is important to the community that we should preserve a sufficient degree of profitability to hotels to enable adequate facilities to be provided for the public. However, we must face the situation that more and more people prefer to drink in clubs. In the metropolitan area, this may mean that the rate of increase in the number of hotels will slow down, and the same could possibly be said in regard to growing country towns. The problem is much more acute in towns where the population is declining or where it is static, because in such towns a drastic increase in club membership could cause hotels to close. We must watch this situation carefully.

Mr. BECKER: The system set out in paragraph *(d)* is cumbersome, and I do not see why a visitor entering a club could not be given a card, on which his name and, if necessary, address were written. I have never known anyone to check this information in clubs.

The Hon. L. J. KING: I am attracted to that idea, and no-one has suggested it previously. The big advantage is that the visitor would be identified at all times by a card on his lapel containing his name, and the name of the member who had introduced him could also be entered on the card, thereby enabling anyone checking to do so at a glance. That may assist in enforcing the provision.

It would probably deter any club that may be disposed to flout the provision, because a person always has an apprehension when he is carrying a card containing information that may convict him. However, I could not undertake to accept the amendment to this Bill. I would need to get the views of the clubs and clubs association, the police and the Licensing Court before being satisfied that it was workable. I undertake to do that and to consider whether the Act should be amended in that way when further amendments are introduced.

Mr. McRAE: I move:

In paragraph *(e)* to strike out new subsection (11).

I concede that the other restrictions on the permit clubs are reasonable, but I consider that new subsection (11) is unwarranted. It deprives the court of the power to prescribe reasonable hours for the sale of liquor in the permits issued under the section and unreasonably restricted hours could be imposed in certain cases. The provision seems to place an unwarranted fetter on the court. New subsection (12) imposes sufficient restriction to make the proposed subsection (11) unnecessary. I believe that there is a revenue motive here but, if there is not, there is a concealed motive to knock out football clubs in Port Augusta, Whyalla, and other places. I am concerned at the effect on the small clubs. What I am trying to do would not prevent the Attorney from doing what he wished to do, because new subsection (12) would still give protection.

Mr. BURDON: I support the amendment and what the member for Playford has said. This provision restricts the power of the court regarding hours and this could be to the detriment of small clubs, particularly in country areas.

The Hon. L. J. KING: First, I want to dispose of this further suggestion that there is some sort of concealed motive in relation to clubs in, apparently, Whyalla and Port Augusta. I do not know what the honourable member is talking about and he did not explain it, so I cannot very well answer further. If clubs, whether at Port Augusta, Whyalla, or elsewhere, have the sort of volume of trading and span of hours referred to in this provision, the Licensing Court would be very likely, on existing practice, to tell those clubs that they are not appropriate for permits and that they ought to apply for licences.

The problem, as I have explained, is not so much with the Licensing Court as with the clubs, which cannot be convinced that there is any reason why they should abandon their permits and apply for licences where they are happy with the permits. It is not dissatisfaction with the Licensing Court that has led to this position but the Licensing Court's dissatisfaction with having a discretion thrust on it without any guidelines from Parliament and having to convince clubs that they ought to apply for licences.

If Parliament lays down guidelines, the clubs concerned can be told to apply for licences because Parliament has said they should do that. That is the only way in which the matter can be settled. Parliament should not shrink from its responsibility to lay down guidelines. A club that is open for 39 hours or 40 hours a week has fairly regular trading and it is inappropriate that it should be covered by the sort of permit that has been provided to cover small clubs trading for a few hours, such as a bowling club. There may be the occasional instance referred to by the member for Playford in which clubs are open for a considerable time to sell only a small volume of liquor. In those cases they are clearly open most of the time not for the purpose of selling liquor at all. All they have to do is to close their liquor service for a period and perhaps serve tea or coffee during that period, and they come safely within the provisions here prescribed. If clubs wish to trade in liquor for more than 39 hours a week, they should be licensed clubs.

Mr. EVANS: As I said previously, we should make our intention clear, and what the Attorney-General thinks should apply may be different from the view of everyone else. It would be wrong if a club closed its liquor service thereby denying the facility, say, to one member who wished to make use of it. If a club is happy to operate under a permit system, why stipulate that it must have a licence? I support the member for Playford in the view that this provision should be deleted.

The Committee divided on the amendment:

Ayes (29)—Messrs. Allen, Becker, Brookman, Burdon, Carnie, Clark, Coumbe, Crimes, Eastick, Evans, Ferguson, Goldsworthy, Groth, Gunn, Hall, Hopgood, Keneally, Langley, Mathwin, McAnaney, McRae (teller), Millhouse, Nankivell, and Simmons, Mrs. Steele, Messrs. Tonkin, Venning, Wardle, and Wells.

Noes (14)—Messrs. Broomhill, Brown, Corcoran, Curren, Harrison, Hudson, Jennings, King (teller), McKee, Payne, Rodda, Slater, Virgo, and Wright.

Majority of 15 for the Ayes.

Amendment thus carried.

The Hon. L. J. KING: I move:

In new subsection (13) after "satisfied" to insert:

(a) that the gross amount realized upon the sale of liquor exceeded the limit prescribed by subsection (12) of this section by reason of circumstances that are likely to recur regularly;

or

(b)

It has been pointed out that a situation could arise in which a club in one year had liquor sales of over $15,000. As the Bill now stands, this would mean the court would automatically be unable to grant a permit and would require the club to apply for a licence. However, it may be that sales were due to an extraordinary situation in that 12-month period, which resulted in an unusually high sale of liquor. If the club can satisfy the court that that situation is unlikely to recur, in those circumstances the court should have a discretion to grant the permit, even though sales exceeded the permitted amount in that period. I therefore ask the Committee to agree to that amendment.

Amendment carried; clause as amended passed.

Clauses 36 to 38 passed.

Clause 39—"Repeal of section 84 of principal Act."

Mr. McANANEY: Clause 39 repeals section 84 and the explanation is that clauses 41 and 50 cover this subject matter. It appears that the knowledge available to the public about the licences and licence applications will be considerably restricted if this section is repealed. Section 84 provides that all applications shall be publicized so that the public knows what will take place in the future. Section 50 provides for the publication of licences issued. I do not believe that section 41 covers anywhere near as much as that covered by section 84, therefore I believe that section 84 should remain in the Act.

The Hon. L. J. KING: Section 84 provides:

(1) The clerk—

(a) shall cause a report to be inserted in the first, second, or third number of the *Gazette* published next after the last days of March, June, September and December in each year showing—

I. the dates of the sittings of the court;

II. the names of all applicants;

III. The nature of the applications;

IV. the names and situations of the premises in respect of which the applications were made;

V. the manner in which the applications were disposed of, including (if the court so directs), in case of a refusal, any objection or objections on account of which the refusal was made;

The difficulty about retaining section 84 is that it has no meaning, because there have been no quarterly sittings of the court since the revised Act was passed in 1967. The old Act provided for quarterly sittings of the court, and

advertisements in the *Government Gazette* showed the dates of the sitting of the court and the results of applications published quarterly following the quarterly sittings of the court. That system of quarterly sittings has now been abolished; the court now sits throughout the year and sets dates for hearings. So section 84 has had no application since 1967. The section was apparently left in the Act inadvertently, and this opportunity is being taken to strike out this redundant section.

Mr. McANANEY: You are saying that the public has just as much knowledge of what is going on now concerning applications for licences as it had previously?

The Hon. L. J. KING: I simply do not know, because I have never taken the trouble to compare the information available under the old section with that available under the present section. However, I have never received complaints that the public does not have sufficient information and, if I did receive such complaints, I would consider them to see whether anything could be done.

Clause passed.

Clauses 40 to 47 passed.

Clause 48—"Consumption of liquor near dance."

Dr. EASTICK: This is another instance where the approximation between yards and metres will create an anomaly. There is the instance in the mining legislation where 50yds. was to be the equivalent of 50 m. There is a difference, because 50yds. equal 150ft. and 50 m is about 165ft.—a discrepancy of about 15ft.

We now have a situation where 300yds. is said to be the equivalent of 300 m, whereas there will be an extra distance that will apply in metres. I appreciate that it is perhaps the best and easiest method to have round figures when introducing metric measurement, but we will nonetheless have a situation where people who, for a long period, have been given to understand that this is the distance from a dance hall at which they may drink may transgress the law if they continue to do something that has been acceptable in the past. Will the Attorney accept a distance that is more in keeping with 300yds.?

The Hon. L. J. KING: I know that people who attend regular dances sometimes have a certain signpost well known in the neighbourhood as the 300yd. mark. As it may be true that an injustice could occur, I will accept an amendment to shorten the distance.

Dr. EASTICK: I move:

To strike out " "three hundred metres" " and insert " "two hundred and seventy-five metres" ".

The distance of 275 m will be close to the present distance of 300yds.

Mr. BECKER: I oppose the clause, as I think this provision is archaic. Most dances nowadays are cabarets, which are licensed. People can take bottles with them to a drive-in theatre, but they must go 300yds. away from a dance before being permitted to drink liquor.

Mr. EVANS: I disagree with the member for Hanson. We do not want to have people standing right outside a dance hall and drinking. Many people go to a dance simply to dance, with a little freedom from liquor. I support the amendment.

Amendment carried; clause as amended passed.

Clause 49—"Age limit for drinking upon licensed premises."

Mr. EVANS: I oppose this clause. Although a licensee may not be on the premises, under this provision he can be liable for prosecution if a person under the age of 18 years is sold or supplied liquor on his premises. I know that the Attorney-General will say that the licensee is responsible for his employees. However, the employee is supposed to be responsible and should carry out his duties in a proper manner. We should leave this provision as it is at present, whereby the person who sells the liquor is responsible. In that case, the licensee would be responsible only if he sold or supplied the liquor.

The Hon. L. J. KING: There is an important practical reason for this clause. At present the employee and not the licensee commits the offence. It is a difficult task, but it becomes impossible for the employee if his employer is a trifle unscrupulous. There are many instances of a publican's catering for the younger people. He wants to sell liquor and he has a band and a singer set up to attract as many customers as possible and sell as much liquor as possible. The employee is under pressure from a publican who wants to sell on the one hand and the law that wants to protect a minor on the other.

The employees and the union have protested vigorously against a situation whereby barmen, lounge waiters or bottle department attendants, if they are tolerant and do not make officious inquiry, are in trouble with the law, and, if they do conscientiously find out the ages, they are

in trouble with the boss. The only way to relieve the pressure is to say that it is the licensee's responsibility to ensure that there are no sales to minors on his premises.

It is in the publican's interests under this provision to see that his employees take every precaution to prevent sales to minors. As the law stands, he does not care. He does not try to prevent it if his conscience does not lead him to do so and he has the economic motive for discouraging his employees from making a conscientious inquiry. The man who may be off the premises is catered for as far as he ought to be in new subsection (2).

The licensee who has someone in charge of the premises to supervise, such as a manager, who instructs his employees that they are not to sell to minors, would have a defence. He would have done all that he could do. However, if a lounge is full of people just about 18 years of age or under 18 years who are not drinking, and if the entertainment provided is the type that would attract young people and no adequate provision is made to ensure that employees are not serving minors, the licensee ought to be responsible.

Mr. EVANS: I move:

In new subsection (1) to strike out "shall" and insert "may".

The Vice Squad would know whether a person may be unscrupulous and would also know the circumstances. The squad would know whether one or both persons concerned should be charged. The Attorney-General has said that the licensee has a defence. However, he would have to go to court, thus taking up court time and the time of members of the legal profession, as well as squandering money.

The Hon. L. J. KING: The amendment is unacceptable. Indeed, it is impossible, because we cannot create a discretionary offence. Conduct is either a crime or not a crime. We cannot provide that it "may" be an offence. Who decides when the offence is committed? Parliament should lay down what constitutes an offence. It is for those who have the responsibility to decide whether to charge a person. Often police have evidence of the commission of an offence, technically, but they do not prosecute. They are not obliged to do so. Law enforcement is always selective and discretionary.

In the case mentioned by the member for Fisher, if it was not a place where young people were encouraged, it is not likely that the licensee would be charged. It is certainly not open to Parliament to say that certain conduct may be an offence, because that is quite meaningless. We must say what constitutes the offence, and the discretion whether or not to prosecute rests with those responsible for enforcing this legislation.

Mr. EVANS: Is the Attorney-General saying that the people responsible for laying charges may decide to charge one person and not another? Is that situation satisfactory to him?

The Hon. L. J. KING: Of course it is. There is nothing special about this. I am referring only to the general provisions on which the law is enforced. A motor cycle police officer may see two drivers speeding along on the same road at the same time, one travelling at 70 miles an hour and the other at 50 miles an hour. He may in the circumstances report both, and one, because of his manner of driving, may be charged, whereas the other is not charged. The motor traffic police do this all the time. The case referred to by the member for Fisher may be a case in which the licensee would have a defence, and he would not be charged if the police thought that he had a defence. Even if the honourable member thought there was a practical problem, which I do not think there is, it could not be solved in the way he seeks to solve it.

Amendment negatived; clause passed.

Clause 50—"Times when premises may not be open."

Dr. EASTICK: I move:

To strike out "one hundred kilometres" and insert "ninety-five kilometres".

This clause involves an anomalous situation as a result of the conversion from miles to kilometres. Under the existing provision, a licensee may not engage in what may be termed after-hours trade if his premises are less than 60 miles away from the place in question, but with 100 km this is equivalent to 62.1 miles. However, licensees of hotels such as the Rhynie hotel, which involves a distance of 60.1 miles, have gone to considerable expense to provide a legitimate after-hours service, and on the new distance would be prevented from trading.

The Hon. L. J. KING: I have no objection to the amendment.

Amendment carried; clause as amended passed.

Clauses 51 and 52 passed.

Clause 53—"Prescribed tourist hotel."

Mr. BECKER: Bearing in mind that a prescribed tourist hotel may be granted a licence until 3 a.m., in which case patrons will be leaving the premises and perhaps disturbing nearby residents, I wish to be assured that the Minister in charge of tourism

will consider the problem that may arise in this regard.

The Hon. L. J. KING: I am in no position to issue instructions to the Minister currently responsible for tourism, although I am sure that he would take this matter into account. It is unlikely that Adelaide will be over-run with high standard hotels. If we have one, two or even three of these hotels, I think we will be indeed fortunate. Obviously, these hotels will be of exceptionally high standard. However, it is certainly open to the Minister to consider the matter in his initial discussions with the promoters of the enterprise. I am sure that the Minister will take the necessary precautions. I move:

In new section 192a (1) to strike out "of Tourism" and insert "for the time being responsible for tourist activity".

There is no person who is designated the Minister of Tourism but, of course, the Premier is for the time being responsible for the tourist industry. So, the more appropriate expression is "the Minister for the time being responsible for tourist activity".

Amendment carried; clause as amended passed.

Clauses 54 and 55 passed.

New clause 34a—"Reception houses."

Dr. TONKIN: I move to insert the following new clause:

34a. Section 66a of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:

(2) A permit under this section—

(a) shall not authorize the sale of liquor otherwise than to a person by whom an entertainment is held on the premises to which the permit relates and for the purposes of that entertainment;

and

(b) shall not authorize the supply of liquor otherwise than to persons participating in that entertainment.

(3) The court may, by order, authorize the holder of a permit under this section to purchase liquor required for the purposes of the permit by wholesale.

(4) Where liquor is sold to the holder of a permit authorized to purchase liquor by wholesale under subsection (3) of this section, that sale shall, for the purposes of this Act, be deemed to be a sale of liquor to a licensed person.

(5) A permit under this section shall be subject to such conditions as the court thinks fit and specifies in the permit.

New section 66a (2) provides that either the organizer of a function at a reception house or the convener of the dinner is involved. The liquor must be sold for the purposes of the entertainment for which a permit is obtained. Some service clubs meet regularly for dinner in reception houses and they may find that they are unable, under the terms of the permit obtained, to purchase liquor individually. It would be easier if individual members could buy the liquor that they wish to drink. The provision enables them to purchase directly the liquor that they wish to consume. My amendment also relates to the purchase by a reception house of liquor by wholesale. That is important because, although at present reception houses can obtain liquor from the local publican, it is more satisfactory if they can go to a winery and obtain a particular vintage there.

The Hon. L. J. KING: I oppose the new clause. It is important for us to bear in mind that the licensing structure must remain balanced. Licences are granted to types of licensee to fulfil special needs. A reception house caters for functions. Before 1969 the organizer of a function had to obtain his own liquor, but a reception house might obtain it for him as his agent, simply as a service. That was thought to be inconvenient; so the law permitted the reception house to purchase liquor from a retailer and gain a discount, but otherwise the remuneration to the reception house was what that reception house was paid for the use of its facilities and food. If people wish to attend dinners and to buy liquor separately, there are very good restaurants and hotel dining rooms to cater for their needs.

If a reception house were authorized to sell liquor directly to individual diners, it would be plainly entering a trade reserved for restaurants and hotel dining rooms. The people licensed under the licensing structure to sell as retailers to the public are the publicans and restaurant proprietors. If we allowed a reception house proprietor to purchase by wholesale, we would cut the retailer out of that piece of trade, and it would not stop there, because other people on the fringe of the trade would say that they wanted to purchase by wholesale. Many people on the fringe seek to gain for themselves a slice of the liquor trade but never the obligations accompanying that trade. The honourable member referred to a certain reception house in his district. He should ask the proprietor whether he would be prepared to provide the services provided by restaurants and hotels.

Licensed retailers are given the benefit of buying wholesale, but they are required to open

at any time when a member of the buying public wants a drink or a meal. If we allow people who do not provide this service, which is often unprofitable, to have a slice of the liquor trade, we will soon reach the stage where all the vultures want their slice of the trade, too, and then the licensing structure will break down, with the services at present supplied being no longer available. The honourable member referred to the consequences of reducing the minimum quantity of liquor that could be sold by vignerons, saying that we should watch the inroads made into the trade of retailers. I agree. What the honourable member now proposes would, in the foreseeable future, put licensees and restaurant proprietors in an unfair situation, and they could complain with justice about the requirements placed on them, and not others, to provide services.

Dr. TONKIN: In relation to clubs in competition with the hotel trade, the Attorney said that we must provide for what people want. Reception houses give a great service in the community, and people want this service. There is a waiting list of about 12 months to have a wedding reception in a reception house. These reception houses provide an intimate and unique atmosphere for a group of people, a booking having been made in advance. This sort of facility is not provided elsewhere. I am surprised to hear the Attorney call the proprietors of reception houses vultures. They are in it to make money, but surely that is an element of free enterprise.

Mr. McANANEY: I support the new clause. A reception house employs staff, and faces other expenses in providing a service. No-one engaged in providing a service to the community makes excessive profits if there is competition. Many hotels that should provide the type of reception facilities we are talking about do not go to the trouble of providing them. Therefore, reception houses provide a useful service to the community.

Mrs. STEELE: I, too, support the new clause. The reception house named by the member for Bragg is not the only reception house involved. I point out that the reception house which the Attorney said was in the honourable member's district is actually in my district. Some of these reception houses have firm bookings. The Lions Club has met at Fernilee Lodge for a long time. The fact that proprietors of reception houses are unable to get liquor wholesale means that the host of a function must pay much more for his liquor. In the area of Fernilee Lodge there are few hotels, so those that hold a licence have a fairly big monopoly. The Davenport District has only the Feathers Hotel and the Tower Hotel, and the district I represented previously had only the Reservoir Hotel and the Paradise Hotel. Concern has been expressed by the owners of reception houses about this matter not being considered favourably by the licensing authorities and the Minister.

The Hon. L. J. KING: The point raised by the member for Davenport about the number of hotels from which reception house proprietors can make a choice is much more valid than the point in this amendment, and it is currently being considered. The provision made for clubs that purchases should be from a hotel or hotels in the locality means that, in most cases, the hotels suffer a loss of trade, whereas in the case of reception houses the liquor would be brought from the liquor trade as a whole, and I think this warrants the choice being widened, perhaps to cover the whole metropolitan area. That matter has been submitted to me for consideration, perhaps in a Bill at a later stage. Whilst that is a good point, it does not soften my opposition to this amendment.

Mrs. Steele: You are considering it, are you?

The Hon. L. J. KING: Yes, and my present thinking is that it is something that ought to be done.

The Committee divided on the new clause:

Ayes (17)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin (teller), Venning, and Wardle.

Noes (25)—Messrs. Broomhill, Brown, Burdon, Clark, Corcoran, Crimes, Curren, Groth, Gunn, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Nankivell, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 8 for the Noes.

New clause thus negatived.

Title passed.

Bill read a third time and passed.

PUBLIC ASSEMBLIES BILL

Returned from the Legislative Council without amendment.

MISREPRESENTATION BILL

Returned from the Legislative Council with amendments.

POLICE OFFENCES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COMMERCIAL AND PRIVATE AGENTS BILL

Returned from the Legislative Council with amendments.

INDUSTRIAL CODE AMENDMENT BILL (TRADING HOURS)

Returned from the Legislative Council with amendments.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 6, lines 15 and 16 (clause 14)—Leave out "the classification 'Class 2', the classification 'Class 3', or".

No. 2. Page 8, lines 17 to 27 (clause 20)—Leave out the clause.

Amendment No. 1:

The Hon. G. T. VIRGO (Minister of Roads and Transport): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment provides that the age factor relating to classes 2 and 3 under the new licensing scheme shall apply to persons 16 years of age and over, whereas the Bill relates to persons 18 years of age and over. This measure was designed in the interests of road safety, the Government having sought advice in this area which substantiates its view that those persons in charge of and driving vehicles of 35cwt. and over in the ordinary commercial area and in the articulated area should be adults. In this matter, as in other matters, the Government regards a person of 18 years of age and over as an adult. I think the rather foolish attitude of the Legislative Council is shown by the fact that it has provided an 18-year age limit for those persons driving an omnibus but a 16-year age limit for those people who may be driving an articulated vehicle that weighs twice as much as an omnibus. As I have said, we are concerned about road safety and, therefore, about the type of vehicle in question.

Mr. Mathwin: It's a slower vehicle, isn't it?

The Hon. G. T. VIRGO: It is not necessarily a slower vehicle at all. I suggest that that interjection indicates a lack of knowledge of the road traffic legislation. The Government is trying to protect the lives of all road users and we believe that to do this effectively we must place certain limitations on those people using the roads. Being concerned to reduce the road toll, we are taking all practicable steps available to us to do so, and we have introduced measures that we believe will give effect to our proposals in this regard.

Dr. EASTICK (Leader of the Opposition): Is the amendment in the schedule different from that to which the Minister has just referred? I hope the Minister will agree that the word "or" does not follow "class 3"; it follows "class 2". The amendment relates to clause 14 as it was when it left this place.

The CHAIRMAN: Order! The Leader is seeking guidance on the amendment. When this Bill was previously before the Committee there was a typographical error that was corrected by the Committee. The sequence of the numbers in the Bill at that time did not run 1, 2, 3, etc.

Dr. EASTICK: I support the Legislative Council's amendment and I agree with the Minister that road safety is of paramount importance. However, I do not think the Minister has really thought the subject through. Provision exists for the Registrar to ensure that he is satisfied about the competence of a person seeking classification. If a person is unable to prove to the testing officer that he is competent to drive a class of vehicle, the testing officer may report that the person is incompetent because, for example, he is not physically capable. Perhaps another person may be physically strong and exhibit to the testing officer that he is capable of effectively controlling the vehicle. Opposition members pointed out earlier to the Minister that there was a potential area of difficulty, more particularly in the rural community. I have no doubt that the same could apply in the city in connection with family businesses; a person responsible for maintaining a family might be denied the opportunity of using a type of vehicle that would entitle him to earn a higher salary. The opportunity already exists to deal with a person in connection with whom the authorities become aware of deficiencies after that person has obtained a licence. Opposition members are just as competent to appreciate road safety as the Minister is.

Mr. EVANS: I believe that the age should be 16 years for this type of licence. It is necessary for drivers to pass a test and to prove that they are capable of handling the

vehicle. Many people of 16 years and 17 years of age can handle semi-trailers very well. There is less risk of accidents and serious injury in connection with that type of vehicle than there is in connection with a young person driving a high-powered car at 120 miles an hour. Let the Minister say that he will impose the same restrictions on licences to drive vehicles that can do more than 60 or 70 miles an hour! The Minister knows that high-powered cars are the biggest cause of accidents on our roads.

Mr. GUNN: I support the Legislative Council's amendment. If the Minister bases his argument on road safety, he should present the figures in relation to 16-year-old drivers of trucks. I have seen 16-year-olds and 17-year-olds driving trucks to wheat silos. The Minister should therefore reconsider the matter.

Mr. MATHWIN: Surely the point raised by the member for Fisher, that people are allowed to drive high-powered cars and motor cycles at that early age, should be seriously considered. If we prevent them from driving heavy transports and trucks, they should be prevented also from driving high-powered vehicles. If the Minister is so concerned about road safety, he will re-examine that point.

Mr. RODDA: In the rural industry many young people are driving these heavy vehicles, and doing it well. I am concerned that, if this amendment is not agreed to, the position of the man on the land, who needs all the assistance he can get these days, will be vitally affected. If the Minister can give me an assurance on that point, I will sit down.

The Hon. G. T. VIRGO: It is already taken care of in the Bill.

Mr. VENNING: The Minister does not quite appreciate the significance of the points raised. I recall driving a team of horses at the age of 15, so why all this concern about a 16-year-old person being permitted to drive a heavy vehicle? Will the Minister consider agreeing to this amendment, or has he had his instructions and cannot consider what has been said?

The Committee divided on the motion:

Ayes (23)—Messrs. Broomhill, Brown, Burdon, Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo (teller) Wells, and Wright.

Noes (17)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wells.

Majority of 6 for the Ayes.

Motion thus carried.

Amendment No. 2:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 1 was adopted:

Because the amendment would be prejudicial to road safety.

ADJOURNMENT

At 1.3 a.m. the House adjourned until Wednesday, March 29, at 2 p.m.