

**HOUSE OF ASSEMBLY**

Thursday, November 9, 1972

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

**ASSENT TO BILLS**

His Excellency the Governor, by message, intimated his assent to the following Bills:

Advances to Settlers Act Amendment,  
Cigarettes (Labelling) Act Amendment,  
Criminal Law Consolidation Act Amendment (Homosexuality),  
Environmental Protection Council,  
Lower River Broughton Irrigation Trust Act Amendment,  
Metropolitan Adelaide Road Widening Plan,  
Metropolitan and Export Abattoirs Act Amendment,  
Renmark Irrigation Trust Act Amendment,  
River Torrens (Prohibition of Excavation) Act Amendment.

**QUESTIONS****TOURISM**

Dr. EASTICK: In the absence of the Premier, will the Minister of Environment and Conservation say what integration of effort is made between the State Planning Authority and the Tourist Bureau in considering the effects of zoning in certain areas of the State? In this morning's press, under the heading "Fears loss of tourists to the Flinders", it is stated that South Australian tour operators say that a proposed zoning of the Flinders Range could affect the tourist industry there, and four major operators are involved in that statement. The report also states that the State Planning Authority proposes that no tourist vehicles be allowed into zone A. As we have a natural drawcard and as a large sum of money has been expended by the State Government in promoting the Flinders Range and this area as a tourist centre, I ask the Minister whether the proposals that the State Planning Authority has now put forward have been considered in conjunction with the Tourist Bureau, so that the best effect for all concerned is likely to accrue, or whether the State Planning Authority's decisions have been made without regard being had to the promotion work done and information already given to people in this and other States, as well as overseas, in support of the Flinders Range as a tourist resort.

The Hon. G. R. BROOMHILL: I have seen the report to which the Leader has referred and I point out that the only accurate part of it is the comment that our development proposals could affect tourism in that area. The proposals certainly will affect tourism in the area, but to its advantage. The development plan is the basis on which regulations will be drawn up and, apparently, those who have given the information to the *Advertiser* this morning are guessing at what those regulations will provide. Honourable members know full well that regulations are subject to Parliament's approval. I think it ought to be pointed out that, in the first place, the development plan suggests that private cars should not enter some parts of the Flinders Range. It makes clear that those tourist buses or vehicles used throughout the Flinders Range area ought to continue to be used, because they are used by responsible people who are interested in the care of the environment there. I assure the Leader that the Tourist Bureau has been involved in discussions in preparing the development plan and that the plan will not affect the opportunity for tourism in the Flinders Range. The whole reason for the proposal is to ensure that the Flinders Range area stays in its present attractive state so that its tourism potential can be realized fully.

**SCIENTOLOGY**

Mr. MILLHOUSE: Will the Attorney-General assure the House that the Government still intends to provide for the registration of psychologists and psychological practices when it introduces legislation to repeal the Scientology (Prohibition) Act this session? The Government has announced several times, and has reaffirmed during the past few sitting days, that it intends to introduce legislation this session on this topic. In replying to an earlier question I asked either in this session or in the most recent session, the Attorney said that the Government intended to introduce a system of registration or licensing (I forget the exact term he used) when moving for the repeal of the Act to which I have referred. He gave the impression, or at least I got the impression, that the legislation would be along similar lines to the legislation operating in Victoria which is bitterly resented by the scientologists themselves. In the last few days it has been suggested that, in fact, the Government now does not intend to go on with legislation of this kind but is to do as the scientologists themselves desire: to introduce what I believe they call a clean repeal.

The Hon. D. A. Dunstan: You have read the pamphlet?

Mr. MILLHOUSE: No, I have not seen it.

The Hon. D. A. Dunstan: Perhaps you had better look at it.

Mr. MILLHOUSE: I hope that the Attorney will answer my question no matter what the Premier says. I do not know what the leaflet says, or whether the Government is giving out leaflets itself.

*Members interjecting:*

Mr. MILLHOUSE: There seems to be some mirth about this, Sir.

The SPEAKER: Order! The honourable member sought leave to explain the question.

Mr. MILLHOUSE: I have finished, Sir.

The Hon. L. J. KING: I do not know who made the suggestion to which the honourable member refers, but it has certainly not been made to me, nor have I heard any suggestion made that a Bill would be introduced to repeal the Scientology (Prohibition) Act without a Bill relating to psychological practices. Bills on both topics will be introduced in the House this session.

Mr. Millhouse: One Bill, or two?

The SPEAKER: Order!

### **WHYALLA BEACH**

Mr. BROWN: Has the Minister of Environment and Conservation a reply to my question of October 17 concerning investigation into and advice on the problems of erosion at the main beach in Whyalla?

The Hon. G. R. BROOMHILL: The Coast Protection Engineer will be asked to examine the erosion problems at Whyalla after taking up office in December next. It is assumed that on-site inspections and investigation will be necessary, and the council will be informed of proposed dates of inspection.

### **CRIMINAL INJURIES**

Mr. COUMBE: Can the Attorney-General say what is the Government's intention regarding the Criminal Injuries Compensation Act? Earlier this session I moved a motion that this Act be amended to allow increased compensation to be paid in the relevant circumstances. The Attorney-General supported that motion, and I complimented him on his support. He gave an undertaking then that he would consider introducing an amending Bill this session.

The Hon. L. J. KING: It is my desire to introduce, during this session, the Bill to which the honourable member refers. I have to admit, however, that it is taking its place with several

other measures that the Government would like to see introduced this session and, as the session is drawing to an end, the resources of the Parliamentary Counsel are severely taxed. I am not prepared to give a categorical undertaking that the Bill will be introduced during this session; I hope it can, and every effort will be made to introduce it.

### **SWIMMING POOLS**

Mr. McANANEY: Has the Minister of Education a reply to my question concerning a Swinburn swimming pool at Meadows Primary School?

The Hon. HUGH HUDSON: A joint Education Department and Public Buildings Department swimming pool committee has fully investigated all aspects of swimming pool construction. The committee's findings show that only reinforced concrete, tile-finished swimming pools are suitable for primary and area schools. The committee fully discussed all other types of finishes to pools, including vinyl-lined swimming pools, and has made no recommendations for their use. In the past, reinforced concrete, tile-finished swimming pools have generally been maintenance free, of good durability and easy to clean, whereas vinyl pools are untried by the department and are considered unlikely to stand the constant traffic within a primary school. At present negotiations are proceeding to allow the installation of a Swinburn swimming pool at Meadows Primary School. It is proposed to treat this project on an experimental basis and for the school committee to accept the responsibility for the structural and mechanical maintenance for a minimum period of three years.

### **PADTHAWAY LAND**

Mr. RODDA: Has the Minister of Environment and Conservation a reply to my recent question about fencing an area of land at Padthaway?

The Hon. G. R. BROOMHILL: Padthaway conservation park is one of the more recently dedicated areas and it is doubtful whether wild life numbers have increased significantly since the land ceased to be privately owned. The park is bounded on the north and south by good metal roads and there are no plans at present to fence these boundaries. The fencing of portion of the western boundary has been discussed with the adjoining owner, but he is not unduly concerned and is not yet ready to erect a fence. The eastern boundary is largely if not completely fenced and, although there were some complaints shortly after dedication

from neighbours on this boundary, I understand these have now been resolved by discussion with Environment and Conservation Department staff in the area.

### **BALAKLAVA HIGH SCHOOL**

Mr. HALL: Has the Minister of Education a reply to a question I asked on October 26 about progress on the building of an open unit at Balaklava High School?

The Hon. HUGH HUDSON: Before giving this reply, I must say that I did not appreciate until a day or so ago that Balaklava High School was in the district of the member for Goyder.

Mr. Hall: No.

The Hon. HUGH HUDSON: I am surprised to hear that; I thought it was.

Mr. Ferguson: Part of the high school grounds is in Goyder.

The Hon. HUGH HUDSON: Then the member for Goyder will also be interested in the reply.

The Hon. D. N. Brookman: You're too clever today.

The Hon. HUGH HUDSON: No, that was my genuine understanding of the matter. I am informed that the principal reason for delay in the construction of the four-teacher open unit at Balaklava High School is that the successful tenderer has taken on too much work at the one time. A possible additional cause is the recent hospitalization of the head of the construction company. I am informed that the tentative completion date for Balaklava High School is May, 1973, but such dates are, of course, always subject to possible variation because of unexpected conditions.

### **TEACHERS' HOUSING**

Mr. VENNING: Will the Minister of Education say what is the Government's policy on providing houses for teachers in country areas? Earlier in the week, when I was visiting one of the northern areas of my district, I was confronted with the problem of securing accommodation for teachers who go to country areas. As it is not easy in some of the northern areas to obtain accommodation for these teachers, I should like to know what is the Government's policy on providing houses for teachers who are willing to go to work in the country.

The Hon. HUGH HUDSON: If the honourable member cares to examine the Loan Estimates, he will see that provision is made there for constructing and purchasing residences for teachers employed in country areas by the Education Department. I think that at

present the department has just over 1,000 houses but, as about 3,000 teachers are employed in country areas, the honourable member will appreciate that accommodation owned by the department is not available to house every teacher. Traditionally, teachers, especially single teachers, have boarded with families in the area although more recently there has been an increased tendency for teachers, where possible, to rent accommodation and for single teachers to club together and rent a house, thus solving their accommodation problem in that way.

We should like to have more houses available and to have the Housing Trust provide more houses than it is able to provide, and we should also like to be able to upgrade some of the existing houses at a faster rate than is possible at present. The current teacher-housing programme is worth about \$500,000 a year, although last financial year about \$700,000 was spent because many purchases were made. With an expenditure of \$500,000 a year it is not possible to provide more than about 30 additional houses in one year and, as some of those houses are to replace existing unsatisfactory houses, the net increase in the total number of houses held by the Education Department each year is very small. For that reason it is clear that single teachers, in the main, who go to country areas will have to arrange their own accommodation. The department helps out to the maximum extent possible by using its good offices with the Housing Trust and also with other Government departments that have accommodation available sometimes.

### **OVERLOADED VEHICLES**

Mr. BECKER: Has the Minister of Roads and Transport a reply to my question of October 26 regarding the issuing of summonses against the drivers of overloaded motor vehicles?

The Hon. G. T. VIRGO: As the Road Traffic Act stands at present, in the case of an overloaded vehicle the owner of that vehicle is liable to prosecution, irrespective of any instructions given to his employees. The driver may be prosecuted if he admits to driving, of his own volition, the vehicle in an overloaded state. It is considered that the owner or person in charge of the vehicle can at all times take appropriate action to ensure that his vehicle does comply with the requirements of the Road Traffic Act. As an employer, the owner should be capable of taking appropriate

measures to ensure that his instructions are obeyed.

### OUTBACK SCHOOLS

Mr. GUNN: Has the Minister of Education a reply to my recent question concerning the schools for Aborigines at Ernabella and Fregon?

The Hon. HUGH HUDSON: This answer was available on Tuesday.

Mr. Millhouse: How relevant is that?

The Hon. HUGH HUDSON: It is more relevant than most of the comments the honourable member for Mitcham makes in this House. I am informed that the original intention was to build new schools at Ernabella and Fregon in Samcon or Elmcon construction, but because of the greater urgency of other projects it is very unlikely that either school could be included on a building list for tender call before 1975. In these circumstances it is felt that the provision of the required new school accommodation at Ernabella and Fregon in 1973 can best be effected through the use of suitably adapted transportable classrooms. Their successful use for such purposes has already been amply demonstrated at Amata. These would be an updated version of that school. Verandahs, breezeways, administrative quarters and store rooms would be included. The breezeways would provide the necessary shelter.

The Ernabella school would be built in two stages. The first stage would consist of four classrooms and toilet accommodation. Continuing use would be made of one of the old buildings at the mission for art and craft. In the second stage, craft rooms would be provided together with any additional classrooms required. At Fregon it is intended to provide a dual-classroom unit of a type similar to those that will be placed at Ernabella. It is hoped that both schools will be ready for occupation by mid-1973. I do not know whether the honourable member has seen the provision made at Amata by the Education Department, but I understand that it is very successful and completely acceptable to the people working there. It is an upgraded version of that school that has been proposed for Ernabella and Fregon.

### EDUCATION ACT

Mr. GOLDSWORTHY: Does the Minister of Education intend, this session, to introduce a Bill for a new Education Act?

The Hon. HUGH HUDSON: Yes.

### SAFETY HELMETS

Mr. MILLHOUSE: Has the Minister of Roads and Transport a reply to the question I asked, in his absence, only a week ago about safety helmets?

The Hon. G. T. VIRGO: In reply to the question the member for Mitcham only asked a week ago—

Mr. Millhouse: Asked only a week ago—get it right.

The SPEAKER: Order! The honourable member for Mitcham has asked the honourable Minister of Roads and Transport to reply to his question. If this tomfoolery continues to take place between members on both front benches, I will sit the honourable Minister down. If honourable members want to hear the replies to questions, they should conduct themselves as members of Parliament, not as schoolchildren.

The Hon. G. T. VIRGO: Field officers from the Road Safety Instruction Centre do, as part of the instruction given by them, encourage the taking of all safety precautions by pedestrians, cyclists, motor cyclists, and other vehicle drivers and passengers. I have asked the Road Safety Council to give added emphasis to this aspect, pointing out the advantages of the wearing of safety helmets by bicycle riders. I can only express regret that the honourable member is not even interested enough to listen to the reply; he is more intent on having a conversation with his colleague.

The SPEAKER: Order! The honourable Minister is out of order in commenting when he is half way through a reply.

The Hon. G. T. VIRGO: As the honourable member for Mitcham has asked the question, he should have the courtesy to listen to the reply.

The SPEAKER: Order! The honourable Minister must not comment, and he must observe the rulings of the Chair. I ask him to confine his remarks to the reply to the question, or I will take other action.

The Hon. G. T. VIRGO: The reply is completed.

### ABATTOIR ROAD

Mr. VENNING: Has the Minister of Roads and Transport a reply to my recent question about roadworks adjacent to the southern yard of the Gepps Cross abattoir?

The Hon. G. T. VIRGO: Inquiries into this matter have revealed that the road to which the honourable member refers is under the care and control of the Corporation of the City of Enfield. As a result of these inquiries, the

corporation has undertaken to carry out an inspection of the road. During investigations of this problem, it was found that the verge of the Port Wakefield Road, adjacent to the abattoir yards, had deteriorated owing to traffic veering off the bitumen to by-pass roadworks in progress in that location. Repairs have now been carried out to this section of the road that will be kept under surveillance by the Highways Department.

### **BALLET CLASSES**

Mr. GOLDSWORTHY: Can the Minister of Education say what is the policy of the Government or of the Education Department with regard to providing ballet classes and similar activity for young people at adult education centres? The adult education centre in the Hills area has provided this type of class which has been much appreciated and in which there has been much interest. As a result of readjustment with regard to the Onkaparinga centre, apparently some of the classes will have to be cut out. People have contacted me about this matter. Although this is called an adult education centre, the amenities and facilities it has provided have been greatly appreciated in several Hills districts when used in the way I have described. I can give details of classes conducted under the auspices of the adult education centre. The fact that the classes are to be cut back is causing much heartburn in these areas. It is difficult for people to engage in these activities if they have to come to the city to attend classes. The expense is one prohibiting factor and, in addition, a class may not be available. Will the Minister comment on this matter?

The Hon. HUGH HUDSON: The Further Education Department naturally takes the view that the resources in adult education centres should be used for the work of adults. The department points out (I think correctly) that two alternatives are open to parents who may be adversely affected by the decision taken in relation to the Onkaparinga Adult Education Centre, which I believe is the centre to which the honourable member is referring. First, it may be possible to arrange for ballet classes at the local primary school, in the same way as classes are conducted in primary schools in many other areas. Secondly, it may be possible for the parents to get together and make a private arrangement with the ballet teacher who has conducted the class at the adult education centre. Generally, the Further Education Department believes that the resources available for adult

education should be used to foster the education of adults.

Mr. Goldsworthy: They are doing it now

The Hon. HUGH HUDSON: I know that, and the fact that that is happening means that resources are tied up which that department should properly be using for adult education. As I have said, I think that the solution is for the parents concerned either to arrange for classes at the local primary school or make private arrangements with the teacher concerned.

### **JUVENILE COURT REPORT**

The Hon. D. N. BROOKMAN: Will the Attorney-General release now the 1972 report of the Juvenile Court Magistrate? Members will recall that this report was not released in 1971. In not releasing it, the Attorney was within his rights, because the report did not have to be tabled in Parliament, although all previous reports had been tabled; in fact, the 1972 report is now on our files. Therefore, there is a gap for the year 1971 that may affect the research of people who are interested in this subject. It seems clear that there could not be any public reason why the report should not now be released. One expects that the only reason could be some personal objection the Minister has to the contents of that report.

The SPEAKER: Order! The honourable member's remarks are starting to be a little more than an explanation.

The Hon. D. N. BROOKMAN: The Attorney probably agrees with what I have said and I ask him whether, if there is not any public objection to releasing this report, as seems likely, he will release it.

The Hon. L. J. KING: I gave the reasons why this report was not published at the time and those reasons would still apply. I am willing to reconsider the matter to refresh my memory about the report and whether the reasons still apply as cogently as they did then. However, my impression is that the reasons that led to the decision not to publish the report at that time would still apply.

### **POLLUTION**

Mr. WRIGHT: In the temporary absence of the Minister of Environment and Conservation, has the Minister of Roads and Transport a reply to my question about noise pollution at the K Mart on Anzac Highway, Kurralta Park?

The Hon. G. T. VIRGO: An officer of the Public Health Department has investigated the complaint of noise aggravation at night

and on weekends at the K Mart, Kurralt Park, and has been told by the Manager that, since the complaints were made several months ago, arrangements had been made for the services complained of to be done in daylight hours. The Manager indicated that he had visited the nearby residents and was satisfied that the noise nuisance had now been rectified.

*Later:*

Mr. MATHWIN: Does the Minister of Environment and Conservation intend to introduce legislation to control the emission of pollution from motor vehicles of all kinds and also to control pollutants from mechanical plant? The recently released Jordan report recommends emphatically that control of this kind should be instituted as soon as possible. This, of course, is coupled with other matters. We have seen this type of pollution throughout the world and we in Australia are fortunate that pollution here is not so severe.

The Hon. G. R. BROOMHILL: No legislation is contemplated this session. The matter to which the honourable member has referred is extremely complex and the answers have not been found in any of the overseas countries, where the problem is much more severe than it is in South Australia. However, the honourable member would have been kept aware, from replies to other questions asked in this Parliament, of the actions that have been taken. He would know that the Transport Ministers have set standards for vehicle emissions. At a recent meeting they established standards for diesel emission, as well as for emission from petrol-driven vehicles, and manufacturers will be required to comply with these standards. I think that the manufacturers will be asked to comply with the next requirement in 1974. In addition, as a result of the establishment of the Environmental Ministers Council, in future the two groups will discuss this problem together. Although no legislation is contemplated this session, my department is considering the problem, hoping that we can arrive at proposals that will improve the position further.

### COMPANIES ACT

Mr. CARNIE: Will the Attorney-General investigate the structure of Plantation Promotions Proprietary Limited to find out whether that company conforms to the requirements of the South Australian Companies Act? This company is based in Western Australia (I understand in Perth) and sells pine forest land on an acreage basis. The land usually is sold by direct selling, both in answer to adver-

tisements and by direct approach. This company is similar to many other companies of this type, one of which is based in Port Lincoln. I understand that, under the Companies Act, such companies are required to use the services of a public trustee to watch and administer the company's funds. The Port Lincoln company to which I have referred was negotiating with a firm of trustees to have it handle this business when the Companies Act came into operation, I understand, on October 1. Because these negotiations were not complete (they still have not been concluded), the company withdrew its salesmen and has not been undertaking any selling until it gets this matter in order. However, the Western Australian company is still selling, and the company's brochure, dealing with trust accounts, states:

All funds are lodged into the trust account of the Manager and administered by the Committee of Management.

It seems that that company is not using the services of a public trustee. Companies of this type are in competition and it seems that the Western Australian company could be gaining an advantage. I ask the Attorney whether, because a firm is not based in South Australia, it is not covered by our company law in this regard, because the advantage seems to be unfair.

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

### PUBLIC SERVICE LIST

Mr. RODDA: Will the Premier say why the academic qualifications of public servants have been omitted from the Public Service list that was tabled last week? The Public Service list is of immense interest to public servants. During the eight years that I was in the Public Service, the list was known popularly as the "stud book" and was studied carefully by officers of the various departments in plotting their careers. However, in the list for 1972, which was obviously prepared by a computer (and I acknowledge the efficiency of this method), the deletion of officers' academic attainments seems to be a grave omission because I am sure that many public servants still study the "stud book" when plotting their future.

The Hon. D. A. DUNSTAN: I will get a full report for the honourable member but, to my recollection, the qualifications of officers have not been published in the list for about a decade. I will get an accurate report to make certain, but I suggest to the honourable member that since his dissociation from the

Public Service he has perhaps not been as interested in the stud as he was when he was a public servant.

### **RUN-OFFS**

Dr. EASTICK: Will the Minister of Roads and Transport say what is the Government's attitude to the creation of run-offs on highways in the Adelaide Hills? Two run-offs from the freeway have been provided along the section of Mount Barker Road towards Adelaide from the freeway section, and organizations, particularly those associated with heavy transportation, whose members are constantly using various Hills roadways have put forward several other proposals. I have been told that several accidents, caused by the loss of braking power, have occurred at a point on the Kangaroo Gully section of the Warren Reservoir Road. Representations have been made over a period for the removal of a 4ft. bank and the clearing of light scrub thereabouts to allow the driver of a heavy transport whose brakes have failed to use the run-off, to remove the hazard to other traffic, and to lessen the effect of any crash that could result. Although representations have been made, there has been a denial by the Highways Department to consider the matter. I therefore ask the Minister what is the Government's policy regarding run-offs generally and finance for run-offs, whether a pattern for run-offs has been established, and whether priorities are listed in some way.

The Hon. G. T. VIRGO: I am not aware of any request made to the Highways Department that has been denied, as the Leader has suggested, and I should certainly like to obtain further information on that aspect of his question. I will certainly bring down a report on this matter. Regarding the general matter of safety ramps, it must be acknowledged that it is not possible merely to build safety ramps at any pre-determined interval without taking into account the general contours of the land. There are only two safety ramps on Mount Barker Road because suitable locations for their installation are just not available. I do not want to pass any comment publicly on the suitability of the existing safety ramps, but I should be willing to talk in private to the Leader about them. There is certainly a desire that as much safety as is humanly possible shall be built into our road network generally. However, it must be remembered that most of the existing roads (excluding those that have been rebuilt and upgraded in recent years) are on routes that were deter-

mined when horses and buggies used them: in fact, they were built specifically for that type of transport. That situation no longer applies, and any number of cases may be cited where plans are being prepared (some have even been completed) for bends and similar obstacles to be taken out of those roads. The honourable member's question points up the desirability to upgrade the Road Traffic Act as soon as it is humanly possible regarding braking requirements. The Leader will recall that this is a matter on which I have often spoken. Indeed, only as recently as yesterday, in reply to a question from the member for Victoria, I referred to the Government's desire in this regard.

### **LAND ACQUISITION**

Dr. TONKIN: Can the Minister of Roads and Transport say what is the position, under the terms of the Land Acquisition Act, of a lessee of a property acquired for road widening when such action will result in the loss of livelihood of the person concerned? A constituent has brought to my attention the problem facing him when, having signed a lease for three years on a shop on South Road, Edwardstown, he now finds that the whole property will be acquired for road widening, the owner having been served a notice to this effect. My constituent has started his business virtually from nothing, has worked hard since March, and is still not yet making a full living income from his business. Under the notice served, he cannot dispose of the business or continue to obtain a livelihood from the business; he is faced with the prospect of having to move to another site and starting again from scratch. What measures can be taken to assist this person?

The Hon. G. T. VIRGO: I take it that the honourable member is referring to the Highways Department's acquiring this property and compensating this person for his loss of goodwill. Under the Land Acquisition Act, if it can be proved that injurious effects have resulted from roadworks, compensation may be payable. I suggest that the honourable member give me the details of this case and I will have the matter looked at, but it could be that my final advice will be to suggest that the honourable member's constituent seek the advice of a reputable solicitor.

### **MURRAY NEW TOWN**

Mr. HALL: Can the Premier say what liaison has been established between him and his department and the Commonwealth Government concerning the establishment of the

regional development project known as Murray New Town? It is obvious that the Commonwealth Government is now beginning to take a deep interest in this matter and that approaches will be made to it to help develop the project. I should like to know what approach the Premier has made so far to the Commonwealth Government on the specific establishment of this regional growth centre.

The Hon. D. A. DUNSTAN: The honourable member was obviously about his other duties when a question on this subject was replied to yesterday.

Mr. Hall: I was here.

The Hon. D. A. DUNSTAN: In that case, the honourable member could not have been listening.

*Members interjecting:*

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I can appreciate that there are other matters that would take the attention of the honourable member at present.

*Members interjecting:*

The Hon. D. A. DUNSTAN: A meeting has been arranged with Sir John Overall, the Steering Committee for Murray New Town, me, and officers of the various Government departments involved in the planning of Murray New Town, when Sir John visits this State.

Mr. Hall: Nothing has happened so far?

The Hon. D. A. DUNSTAN: We have been in communication with the Commonwealth Government about the degree to which our plans have developed and, as a result, Sir John Overall will come to Adelaide to consult with us.

### **ROAD SAFETY SIGNS**

Mr. McANANEY: Will the Minister of Roads and Transport have a report prepared on road safety signs on the road between Summertown and Crafers? Two people were recently killed in an accident at one corner on that road and, instead of a "corner, reduce speed" sign being erected, a "dead-end road" sign has been installed. On the same road are "reduce speed" signs on open corners, yet on blind corners there are no signs at all. I should like to receive a report on the reasons for this and to know of any suggestions to improve road signs on this road.

The Hon. G. T. VIRGO: I will obtain the information that the honourable member requires.

### **MINING REGULATIONS**

Mr. GUNN: Has the Premier a reply to my recent question about the operation of the Mining Act?

The Hon. D. A. DUNSTAN: On a recent visit to the Far West Coast, an inspector of mines, in accordance with the policy of the Mines Department, visited several district councils and delivered personally a letter setting out requirements under the recently amended Mines and Works Inspection Act. The contents of the letter were discussed. The letter explains that there is an obligation under the regulations to notify the Chief Inspector, at least 21 days before, of the intention to commence an operation. Realizing that this could be time consuming, the Chief Inspector in the letter suggested that councils might apply in advance for consent for all operations likely to occur in a 12-month period. Evidently the council concerned misinterpreted the reference to 12 months, there being no obligation under the regulations to give more than 21 days notice. It was simply as a suggestion of convenience that the matter was raised.

### **CHEST CLINIC**

Dr. TONKIN: Will the Attorney-General ask the Chief Secretary what progress has been made regarding the provision of new premises for the chest clinic on North Terrace and whether there has been any improvement in the conditions at the clinic as it is at present operating?

The Hon. L. J. KING: Yes.

### **PREMIER'S ABSENCE**

Mr. MILLHOUSE: Will the Premier let the House know in what activities of a political nature he indulged when he was in New South Wales last week at the conference of Tourism Ministers? Last week, during the Premier's absence from this Chamber (I think for two sitting days), I raised with his Deputy the matter of the Premier's apparently attending a political meeting one evening in New South Wales in support of a Labor candidate at the forthcoming Commonwealth election, and the reply was that, as the conference was not being held on that evening, the Premier could naturally spend his time as he pleased; no doubt he was doing good things for the Labor Party. The next day another report appeared in the paper, and someone has been kind enough to send me a photograph of the Premier posing with two young women who are described as models. I should like a report of the Premier's



activities on the days on which he was apparently representing this State and going about the business of the State at the conference of Tourism Ministers. One cannot avoid concluding that, in fact, the real purpose of the honourable gentleman's visit and his absence from this place and from the duties he should be carrying out here was to attend a Party-political junket.

Mr. Langley: You ought to talk.

*Members interjecting:*

The SPEAKER: Order! The question asked by the member for Mitcham is rather on a personal matter which is outside the business of this House, and I am not prepared to allow it.

Mr. Millhouse: He wants to answer it, though.

The Hon. D. A. DUNSTAN: I went not to a conference of Tourism Ministers but to the national conference of the Australian National Travel Association. Having attended that conference and taken part in a seminar there, have received not only from the National Travel Association through its local representative but also from people both here and in other States much thanks for participating in that matter.

Mr. Millhouse: You think you did well!

The SPEAKER: Order! I am not going to permit this continued interruption from members when they have asked a question. Ministers must be entitled to reply without interruption.

The Hon. D. A. DUNSTAN: I am always diffident about my own performances, but I must say that I was gratified to receive the thanks of the people involved.

Mr. Coumbe: Did you give an encore?

The Hon. D. A. DUNSTAN: It was difficult to get away. In addition, I had interviews in New South Wales concerning investment in this State, covering a wide range of areas, which will be of considerable benefit to the State. I was able on behalf of the State to transact business that I think will be gratifying to those members who do not regard it as politically undesirable that investment should take place under a Labor Government. On the evening of the first day, certainly I took the opportunity to address a meeting at Miranda in the Cook District.

Mr. Goldsworthy: How'd you go?

The Hon. D. A. DUNSTAN: I got a standing ovation but, as I say, I am always diffident about these things. On the next morning, after I had seen some business men in Sydney, I was asked to plant a camellia in the camellia garden that has been established as the Cook

bi-centenary memorial. Indeed, I planted a camellia alongside one that had been planted by Sir Thomas Playford on behalf of the South Australian Camellia Society. I believe that that was a good advertisement for the State.

*Members interjecting:*

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: While I was there I was asked to address a luncheon attended by many attractive ladies in the area who had come to hear me talk.

*Members interjecting:*

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It was not an invitation that I was reluctant to accept, and it was a pleasant occasion.

Mr. Goldsworthy: Are you still backing the Government?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I am going with the bookies on the election on December 2. I think it was perfectly proper for me to do these things. I know that the member for Mitcham never loses an opportunity, when he is away on business of one kind or another, to get a political lick in where he can, and I do not think that I differed from him in that respect.

### **"RED HENS"**

Mr. MATHWIN: Will the Minister of Roads and Transport take action to see that maintenance work on the diesel-engine trains commonly known as "red hens" is being done correctly? These trains emit volumes of black smoke that smells badly, but it is apparent that this occurs only when an engine is poorly maintained and/or the train is overloaded.

The Hon. G. T. VIRGO: I will seek information on the matter.

### **CORRESPONDENCE SCHOOL**

Mr. COUMBE: Will the Minister of Education give me information on the Correspondence School which is situated in the North Adelaide part of my district and which performs a valuable function in this State, as well as in part of the Northern Territory? On October 19 this year the Minister replied as follows to a question from the member for Frome:

The average number of effective full-time students of the Correspondence School in 1971 was 1,065. The expenditure for the school was \$384,423; thus the cost for a full-time pupil was \$361 . . . this figure exceeds the average cost per primary student in a Government school, which in 1971 was \$307.

I ask the Minister to ascertain what is the cost of a primary student taking a course through the Correspondence School, because I understand that both primary and secondary courses are taken through the school. What proportion of the total of \$384,423 is used for purposes not involved in an ordinary school, such as mailing and other allied costs that are peculiar to such a school?

The Hon. HUGH HUDSON: I doubt very much whether it would be possible to separate effectively the costs of primary and secondary education at the Correspondence School because of the incidence of joint costs in relation to the Headmaster of the school, the ancillary staff, and the costs of producing material and posting it out. We also have to determine effectively the equivalent full-time places for the number of students, both primary and secondary, and I doubt very much whether it would be worth the effort to get even an approximate figure. However, I will look at the honourable member's question and, if it can be answered without causing too much difficulty, I will arrange for an answer to be provided.

#### CLARE HIGH SCHOOL

Mr. VENNING: Has the Minister of Education a reply to my recent question concerning Clare High School and the tennis courts at the school?

The Hon. HUGH HUDSON: It is expected that the construction of the tennis courts at Clare High School will commence in two weeks time and that they will be ready for use about six weeks from the commencement date.

#### BOLIVAR WATER

Mr. FERGUSON: In the absence of the Minister of Works, can the Premier say whether a syndicate or private person has been granted a licence to take water, for primary production, from the Bolivar effluent drain since the Agriculture Department commenced its experimental work with this water? A report in today's *Advertiser* states that the Government is to investigate a graft charge relating to the use of the Bolivar water. I know of developers who recently wanted a licence to take water from the effluent main but they had been informed that there would be no water available for them for at least 18 months.

The Hon. D. A. DUNSTAN: I have been approached by a number of developers such as those to whom the honourable member refers. The advice to my department has been that, until the Agriculture Department

has completed its tests on the use of Bolivar effluent, no further use of the water can be made in the area for agricultural or horticultural purposes. I know of no licence that has been granted and I am sure that my colleague knows of none, either. As a result of a question asked in another place, my colleague said that there would be an investigation, and there will be.

#### SULPHUR DIOXIDE

Mr. HOPGOOD: Will the Minister of Environment and Conservation consider approaching the oil industry to ask for financial support for research into the control of sulphur dioxide in industrial emissions? I have received the following letter from the head of the Industrial Science Department at the Melbourne University:

Thank you for your letter of October 25 and for your interest in our research on sulphur dioxide. H. C. Sleight supported us for two years to the extent of \$4,000 and we carried out some initial studies on the adsorption of sulphur dioxide on activated carbons made from furnace oils. This work is still in a very early stage of development and far from becoming commercially viable. We have repeatedly approached oil companies and other organizations for further support over the past two years but have not been successful. The project still requires a fair amount of basic work, followed by full-scale industrial testing.

The Hon. G. R. BROOMHILL: Yes. I am grateful to the honourable member for making a suggestion that seems to have considerable merit. I shall be happy to inquire to see whether anything can be done to aid this type of research.

#### PENONG ROAD

Mr. GUNN: Will the Minister of Roads and Transport ask his officers to investigate the possibility of upgrading the road from Penong to the gypsum works at Kevin? Penong is outside the local government area, and the plant at Kevin is one of the most important gypsum works in Australia. I understand that at present the railway line from the works to Thevenard is one of the most profitable undertakings of the South Australian Railways. One of the contractors who works at the gypsum plant has told me that the road is in a shocking condition and that recently, in one week, he ruined three tyres. The contractors have asked me to see whether the road can be upgraded so that they can continue to operate efficiently.

The Hon. G. T. VIRGO: I do not know whether the honourable member is suggesting

that the road be upgraded so that efforts can be made to render the railway unprofitable.

Mr. Gunn: That is not what I meant.

The SPEAKER: Order! If the honourable member for Eyre wants a reply to his question, he must cease shouting in this Chamber.

### **RENT-A-TREE**

Mr. BECKER: Will the Minister of Environment and Conservation consider a "rent-a-tree" scheme as a means of encouraging greater conservation of native trees in our national parks? I understand that a fruitgrower in Holland decided to introduce a rent-a-tree scheme in an endeavour to overcome his financial difficulties. By renting a tree people could picnic under the tree they had rented and pick the fruit from the tree each year. I suggest that the Government could use this system to encourage greater interest in conservation and perhaps the scheme could be used to establish a wildlife reserve in a national park where people could rent a kangaroo, an emu or a wombat. I believe that children would receive much enjoyment when accompanying their parents on a picnic under their rent-a-tree if they could also enjoy looking at their rent-a-native-pet.

The Hon. G. R. BROOMHILL: This idea did not immediately commend itself to me. The honourable member may like to include the proposal in a questionnaire which is being sent out and which apparently seeks an opinion of who is more popular in the community: the Leader of the Opposition or the member for Gouger. If the honourable member adds his proposal to that questionnaire, I shall be interested to know the reaction.

### **GOVERNMENT FINANCES**

Mr. JENNINGS: Will the Premier comment on the following statement of the Chairman of Elder Smith Goldsbrough Mort Limited (Sir Norman Giles) who, when talking about beef, said:

It is not that the Federal and State Governments—

Mr. McANANEY: On a point of order, Mr. Speaker: it is your custom not to allow members to read from newspapers.

The SPEAKER: The honourable member is objecting to leave being given to the honourable member for Ross Smith to make an explanation. Can the honourable member for Ross Smith specifically frame his question? The honourable member for Heysen has taken objection to the honourable member for Ross Smith reading from a newspaper.

Mr. McAnaney: Only because we're not allowed to read from them.

The SPEAKER: Order! The honourable member for Heysen should deal with one matter at a time. He is completely out of order in interjecting.

Mr. JENNINGS: Sir Norman Giles was talking about beef. He said that the State Government did not have the money to do what was required but that the Commonwealth Government was apparently not interested (or words to that effect) and was making only such a paltry contribution that it was apparently willing to let the position degenerate into a costly blunder. Does not that statement vindicate what the Premier has often said about the Commonwealth Government?

The Hon. D. A. DUNSTAN: It obviously does. Sir Norman Giles is an industrialist in South Australia who, while not being a member of the Labor Party, is well aware of what the present Labor Government has done for South Australia. The co-operation we have had from Elder Smith Goldsbrough Mort Limited under his leadership has been of great benefit to the State.

### **PROSPECT DEMONSTRATION SCHOOL**

Mr. COUMBE: Can the Minister of Education give me information about the future development of the Prospect Demonstration School? I understand that some time ago negotiations took place between the Education Department and the Prospect council about partially closing one street, acquiring properties, and making contiguous the land occupied by the demonstration school and that occupied by the primary and infants school section. I also understand that recently the department has purchased two properties in Olive Street and is negotiating for the purchase of an additional property. Can the Minister say whether this is part of the original scheme or whether the department intends to enlarge the playing area of the existing primary and demonstration school? Moreover, is the Minister willing to continue negotiations with the Prospect council along the lines of the original scheme, as suggested by the Prospect council? That scheme was designed to provide road access between the adjoining streets and close off another street, making that a dead-end street and making the schoolgrounds contiguous.

The Hon. HUGH HUDSON: The honourable member will be aware that this school is in the district of the member for Ross Smith, with whom discussions have taken place. One of the difficulties in the way of developing

this school has been the problem that several of these houses have been purchased recently by their owners and could be obtained now by the Education Department only by compulsory acquisition. While a couple of houses have been purchased by the department after negotiation, the full scheme to which the honourable member has referred would necessitate compulsory acquisition of additional houses. I should be interested to know whether or not the honourable member favours compulsory acquisition of these additional houses and whether the Prospect council also advocates compulsory acquisition, should that prove necessary. If the honourable member can give me that information, I shall be pleased to consider this matter further.

### CONDUCT OF THE HOUSE

Mr. MILLHOUSE: Mr. Speaker, will you please exercise your authority in such a way as to assist the business of the House rather than obstruct it?

The SPEAKER: Order! The honourable member is reflecting on the Chair, and I request him to withdraw that remark immediately.

Mr. MILLHOUSE: I am not reflecting on you, Sir, but I desire to explain what I have said. You have twice today—

The Hon. HUGH HUDSON: On a point of order, Mr. Speaker—

The SPEAKER: Order! The honourable member for Mitcham must resume his seat. He is not permitted to reflect on the Chair in a question. If he wishes to take some point against the Chair, he must do it in the form of a substantive motion. Does he wish to proceed with a substantive motion?

Mr. MILLHOUSE: No, Sir, I do not.

The SPEAKER: Well, resume your seat.

Mr. MILLHOUSE: May I make—

The SPEAKER: Order! Resume your seat. I name the honourable member for Mitcham for refusing to obey the direction of the Chair. Does the honourable member for Mitcham wish to be heard in explanation or apology?

Mr. MILLHOUSE: I certainly do, Sir. The reason I asked my question was that today was the first occasion that I can recall, certainly during this session and I think during this Parliament, when the Minister of Roads and Transport on two occasions, when replying to questions (one of which had been asked by me and the other by the member for Eyre), was stopped by you, Sir, from giving the information that had been sought.

The Hon. D. A. DUNSTAN: I rise on a point of order. You, Mr. Speaker, named the member for Mitcham for refusing to obey the authority of the Chair, for refusing to have regard to the Chair, and for refusing to obey your direction to resume his seat. His explanation must be confined to that matter.

The SPEAKER: I uphold the honourable Premier's point of order. The honourable member for Mitcham must confine his remarks to why he should not have been named.

Mr. MILLHOUSE: I proposed to ask a question of you as to this particular practice that you have adopted, and, when you stopped me—

The SPEAKER: Order! The honourable member for Mitcham must explain why he did not resume his seat when I ordered him to do so, or apologize.

Mr. MILLHOUSE: If you would let me get the words out of my mouth, Sir, I would give the explanation. When I asked that question, which I believed to be perfectly in order, you immediately sat me down, and I must say that I became quite confused when you did that and I did, in fact, sit down within a few seconds of your telling me to do so. If, by not sitting down, I have offended you, I am very sorry about that.

Mr. Clark: You deliberately defied the Chair.

Mr. MILLHOUSE: I did not deliberately defy the Chair.

Mr. Clark: This is about the thirtieth time this session.

Mr. GUNN: I rise on a point of order, Sir. You have twice today rebuked members on this side of the House.

The SPEAKER: Order! The honourable member will resume his seat. There is no point of order.

Dr. TONKIN: I take the point of order that you did not hear the point of order taken by the member for Eyre before you ruled on it.

The SPEAKER: The honourable member for Mitcham has the call to explain.

Mr. MILLHOUSE: I am afraid that I must take a point of order. Both the member for Bragg and the member for Eyre have tried to take points of order during my explanation, and I respectfully suggest that you listen to those points of order before ruling on them.

Dr. EASTICK: Mr. Speaker—

The SPEAKER: Order! I did not understand what the point of order taken by the

member for Eyre could be. I ask that honourable member to state his point of order.

Mr. GUNN: Standing Order 159 makes clear that a member must not deliberately interrupt another member. Twice today you have ruled that members on this side were out of order in interjecting, but the member for Elizabeth—

The SPEAKER: Order! The honourable member is referring to a Standing Order but I also point out that he is referring to an incident that arose during the day. The Standing Orders also provide that the point must be taken at the time. I cannot uphold the point of order.

Mr. GUNN: I rise on a further point of order. I was trying to take my point of order because of the action of the member for Elizabeth. Before I rose to take the point of order, he was interjecting and deliberately interrupting the member for Mitcham, which you did not prevent him from doing. You stopped me.

The SPEAKER: Order! Interjections from both sides have been going on, and I do the best I can to stop them.

Dr. EASTICK: Pursuant to Standing Order 171, whereby a member may be called upon to give an explanation or apology, I move:

That the apology given by the member for Mitcham and the explanation be accepted.

The Hon. D. N. BROOKMAN: Mr. Speaker—

The SPEAKER: Does the honourable member for Alexandra second the motion?

The Hon. D. N. BROOKMAN: Yes, and I wish to point out that, during the explanation, the member for Mitcham made some very telling points. One was that he became confused at one stage, and he said he apologized to you for any apparent defiance. In addition to that, the honourable member, if I may say so in his defence, was ordered by you to take his seat when he had not completed a sentence.

As you will agree, it is scarcely realistic to expect a person to be judged on the first few words of a sentence, but that was the position. The honourable member, in fact, was not able to complete the sentence to which you objected. In the circumstances, and bearing in mind some of the interjections from the opposite side (which, incidentally, came when the honourable member was being heard in explanation), I think that made it unduly difficult for the honourable member to complete his explanation. In the circumstances and in all fairness, I think the House should accept that explanation.

The Hon. D. A. DUNSTAN: There seems to be some confusion on the Opposition benches about whether there has been an explanation or an apology from the honourable member.

Dr. Eastick: Both.

The Hon. D. A. DUNSTAN: The honourable member has tried to express some explanation about his confusion in the matter at an earlier stage of proceedings, but he then said that he apologized for not sitting down seconds earlier than he did in fact sit down. However, in relation to the matter on which you named him, the honourable member persisted in remaining on his feet until you named him. He did not resume his seat until you did so. There has been neither explanation nor apology, nor could there have been the slightest confusion on the honourable member's part. It was deliberate defiance of the Chair. It was not something that he would get away with for a moment in a court, and he ought not to get away with it here.

The SPEAKER: The question is: "That the explanation be accepted". Those in favour say "Aye"; against say "No". The "Noes" have it.

Dr. Eastick: Divide.

*The division bells having been rung:*

The SPEAKER: The question is: "That the explanation be accepted".

Dr. EASTICK: I rise on a point of order. I moved that the apology given by the Deputy Leader and the explanation be accepted. In putting the question, you mentioned the explanation only.

The SPEAKER: Standing Orders provide for the acceptance of either an explanation or an apology, but not both.

The House divided on the motion:

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

Noes (22)—Messrs. Broomhill, Clark, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Allen, Nankivell, and Wardle. Noes—Mrs. Byrne, Messrs. Burdon and Corcoran.

Majority of 5 for the Noes.

Motion thus negatived.

The SPEAKER: In accordance with Standing Order 171, and as the honourable member's

explanation has not been accepted by the House, I ask the honourable member for Mitcham to withdraw from the Chamber.

*The member for Mitcham having withdrawn:*

The Hon. D. A. DUNSTAN: I move:

That the services of the honourable member for Mitcham be suspended for the remainder of this day's sittings.

The Hon. HUGH HUDSON: I second the motion.

The Hon. D. N. BROOKMAN: Mr. Speaker—

The SPEAKER: The motion cannot be debated.

The House divided on the motion:

Ayes (22)—Messrs. Broomhill, Clark, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Noes (16)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick (teller), Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, and Rodda, Mrs. Steele, Messrs. Tonkin and Venning.

Pairs—Ayes—Mrs. Byrne, Messrs. Burdon and Corcoran. Noes—Messrs. Allen, Nankivell, and Wardle.

Majority of 6 for the Ayes.

Motion thus carried.

The SPEAKER: The honourable member for Mitcham is so suspended from the service of the House.

*Questions resumed:*

### WILMINGTON POLICE STATION

Mr. VENNING: Will the Attorney-General ask the Chief Secretary to have investigated the situation applying to the old Wilmington police station, which was closed over 12 months ago, on September 6, 1971? I have received a letter today from a Wilmington resident concerning the police station. The Public Buildings Department has called tenders for this building, but so far no tender has been accepted. As several people wishing to use this old building as a residence have submitted tenders to the department, it would be appreciated if the Minister could push this matter along so that the old police station can be used for accommodation.

The Hon. L. J. KING: I will get a report.

### ON-THE-SPOT FINES

Mr. MATHWIN: Can the Minister of Environment and Conservation say whether it is intended to introduce on-the-spot fines in

South Australia this summer? The Minister will be aware that litter creates a problem in South Australia, whereas it does not present a problem in many overseas countries, especially in Singapore, as a result of the imposition of on-the-spot fines.

The Hon. G. R. BROOMHILL: No decision has been made to introduce on-the-spot fines this summer.

### DIVORCE KITS

Mr. BECKER: Is the Attorney-General aware that the Divorce Law Reform Association intends next Monday to issue a do-it-yourself conveyancing kit? I understand that the association claims that people can handle their own conveyancing for as little as \$20. Will the Attorney-General have this matter examined with a view to ensuring that the public is not misled?

The Hon. L. J. KING: I have not heard of the matter to which the honourable member refers, but I will have the question examined. My department would certainly not be willing to express an opinion on the value or otherwise of a kit of that kind. I should think that, unless a charge were made for it, it would not constitute an offence and, in that case, I think it would be a matter for individuals to decide at their own risk whether to use that sort of advice.

### TRAVELLING ALLOWANCES

Mr. McANANEY: Has the Minister of Education had any report recently on a possible increase in the payment of travelling allowances in respect of country schoolchildren? Having asked questions about this matter previously, I point out that some country children suffer a disability in this regard because they receive only a few cents a day to travel many miles, whereas, in respect of those who use a school bus, the department is involved in a daily expenditure of 50c or 60c a child.

The Hon. HUGH HUDSON: As I am not aware of the honourable member's requests in relation to this matter, I will have the matter examined and bring down a reply.

### DROUGHT RELIEF

Mr. GOLDSWORTHY: Can the Premier say how many applications have been received for drought relief?

The Hon. D. A. DUNSTAN: As I do not carry the figure in my head, I will inquire for the honourable member.

**MALATHION**

Mr. VENNING: In the absence of the Minister of Works, who represents the Minister of Agriculture, I ask the Premier what price the Government pays for malathion and what price is paid by councils or landholders who use this insecticide to destroy grasshoppers. Although I appreciate that the Government is making this insecticide available to people at a concessional or lower price than they would have to pay if it were purchased from, say, a stock firm, I should be interested to have this information.

The Hon. D. A. DUNSTAN: I will obtain a report for the honourable member.

**INDUSTRIAL CONCILIATION AND  
ARBITRATION BILL**

Returned from the Legislative Council with the following amendments:

No. 1. Page 5, lines 17 to 19 (clause 6)—Leave out all words in these lines.

No. 2. Page 5, lines 26 to 42 and page 6, lines 1 to 26 (clause 6)—Leave out all words in these lines and insert new definition as follows—

“ ‘employee’ means any person employed in any industry, whether on salary, wages or piecework rates, and includes any person whose usual occupation is that of employee in any industry, but does not include any spouse, son or daughter of his or her employer:”.

No. 3. Page 6, lines 36 to 43 and page 7, lines 1 to 15 (clause 6)—Leave out all words in these lines.

No. 4. Page 13, line 10 (clause 9)—Leave out “the status of” and insert “the same rank, title, status and precedence as”.

No. 5. Page 15, line 33 (clause 15)—Leave out “or” and insert “that is”.

No. 6. Page 16, lines 4 and 5 (clause 15)—Leave out “or a contract under which services are rendered”.

No. 7. Page 16, lines 13 and 14 (clause 15)—Leave out “or a contract under which services are rendered”.

No. 8. Page 16, lines 22 and 23 (clause 15)—Leave out “or a contract under which services were rendered”.

No. 9. Page 16 (clause 15)—After line 30 insert new paragraph (e) as follows:

“(e) to hear and determine any question as to whether the dismissal from his employment of an employee, not being an employee who has under any Act or law a right of appeal or review against his dismissal, was harsh, unjust and unreasonable and the Court may, if it thinks fit, direct the employer of that employee to re-employ that employee in his former position on terms that are not less favourable to the employee than if he had not been dismissed from his employment and without limiting the generality of the foregoing may order that the employee

be paid a sum not exceeding a sum equal to the wages that he would have received had he been employed in that employment between the time of his dismissal and the time at which he was re-employed but the Court shall not exercise the jurisdiction conferred on it by this paragraph unless an application invoking that jurisdiction is made, by or on behalf of the dismissed employee, within twenty-one days from the day on which it is alleged that the employee was so dismissed from his employment.”

No. 10. Page 24, lines 8 to 26 (clause 25)—Leave out all words in these lines.

No. 11. Page 24, lines 41 to 46 and page 25, lines 1 to 10 (clause 25)—Leave out all words in these lines.

No. 12. Page 27, line 17 (clause 27)—After “any” insert “industrial”.

No. 13. Page 27, line 18 (clause 27)—After “the” insert “industrial”.

No. 14. Page 30, line 33 (clause 29)—After “but” insert “, except as is provided by section 111 of this Act,”.

No. 15. Page 30, line 37 (clause 29)—After “made” insert “being a day not earlier than the day on which the application in respect of which the award was made was lodged with the Commission”.

No. 16. Page 31, lines 28 and 29 (clause 32)—Leave out “not being an order of the Commission”.

No. 17. Page 32, line 16 (clause 32)—Leave out “(c)” and insert “(d)”.

No. 18. Page 38, line 26 (clause 45)—Leave out “publish” and insert “make available”.

No. 19. Page 38, line 27 (clause 45)—Leave out “publish” and insert “make available”.

No. 20. Page 51, line 3 (clause 69)—After “made” insert “being a day not earlier than the day on which the matter first came before the Committee”.

No. 21. Page 56, line 3 (clause 78)—Before “Commission” insert “Full”.

No. 22. Page 56, line 5 (clause 78)—Before “Commission” insert “Full”.

No. 23. Page 56, line 10 (clause 78)—Before “Commission” insert “Full”.

No. 24. Page 56, line 20 (clause 78)—Before “Commission” insert “Full”.

No. 25. Page 56, line 23 (clause 78)—Before “Commission” insert “Full”.

No. 26. Page 57, line 8 (clause 80)—After “Every” insert “full-time”.

No. 27. Page 57, line 8 (clause 80)—Leave out “to whom this section applies”.

No. 28. Page 58, lines 6 to 9 (clause 80)—Leave out all words in these lines and insert—

“(6) This section does not apply to employees of a prescribed employer or to an employee who in the terms of his employment receives an allowance or loading in lieu of sick leave.”

No. 29. Page 58, lines 10 to 25 (clause 81)—Leave out the clause.

No. 30. Page 58, line 30 (clause 82)—After “shall”, insert “unless he receives an allowance or loading in lieu of annual leave”.

No. 31. Page 59, lines 1 to 9 (clause 82)—Leave out all words in these lines.

No. 32. Page 59, line 18 (clause 83) — After “proposed introduction” insert “by that employer”.

No. 33. Page 59, line 19 (clause 83) — Leave out “mechanization” and insert “automation”.

No. 34. Page 59, line 19 (clause 83) — After “or other” insert “like”.

No. 35. Page 63, lines 41 and 42 (clause 91)—Leave out all words after “applies” in line 41.

No. 36. Page 64, line 24 (clause 94) — Leave out “Except as is provided by subsection (2) of this section an” and insert “An”.

No. 37. Page 64, lines 28 to 31 (clause 94)—Leave out all words in these lines.

No. 38. Page 64, line 33 (clause 94)—Leave out all words in this line.

No. 39. Page 65, line 5 (clause 95) — Leave out all words in this line.

No. 40. Page 65—After clause 95 insert new clause 95a as follows—

“95a. *Appeal to Full Court of Supreme Court.*—An appeal shall lie on a matter of law from any order or decision of the Full Court to the Full Court as defined by section 5 of the Supreme Court Act, 1935, as amended, by leave of that Full Court.”

No. 41. Page 65, lines 27 to 29 (clause 96)—Leave out all words in these lines.

No. 42. Page 65, line 34 (clause 97)—After “member” insert “including an order made by the Commission pursuant to section 111 of this Act”.

No. 43. Page 67, line 23 (clause 99) — After “member” insert “or to the Committee”.

No. 44. Page 67, line 24 (clause 99)—Leave out “refer it back to the Committee”.

No. 45. Page 67, line 34 (clause 99) — After “any” insert “award or”.

No. 46. Page 72, lines 33 to 35 (clause 114)—Leave out all words in these lines.

No. 47. Page 77, line 31 (clause 122) — Leave out “as adjourned” and insert “so adjourned”.

No. 48. Page 84 (clause 137)—After line 20 insert new subclause (5) as follows:

“(5) A resolution referred to in subsection (2) of this section shall expressly approve the proposed constitution and rules of the body comprising the amalgamating associations, which constitution shall in its ambit of membership substantially be that of all of the said associations and the said body shall be deemed to have been constituted forthwith upon the passing of the last resolution as aforesaid of the amalgamating associations.”

No. 49. Page 86, lines 14 to 28 (clause 145)—Leave out the clause.

No. 50. Page 86—Before clause 146 insert new clause 145a as follows—

“145a. (1) Where the Registrar is satisfied that any person has, by reason of his religious belief, a genuine conscientious objection to being or becoming a member of a registered association or of paying any fees to a registered association, the

Registrar shall, upon payment of the prescribed fee and subject to this section, grant that person a certificate in the prescribed form.

(2) A certificate under this section shall remain in force for a period of twelve months or such lesser period as is specified therein but on the expiration of a certificate under this section, the Registrar may, subject to subsection (1) of this section, grant a further certificate under this section.

(3) Notwithstanding anything in this Act or in any other Act or law, no differentiation shall be made for any purpose between the position of a person who is a member of a registered association and the position of a person who holds a certificate that is in force under this section in relation to that registered association in so far as the fact, that a person is or is not a member of that association, is relevant.

(4) In this section, the prescribed fee means an amount equal to the amount that would be paid by the person, to whom the certificate is to be granted, to the registered association if he were a member of the association in respect of which the certificate is to be granted throughout the period during which the certificate is expressed to be in force.

(5) The Registrar shall, from time to time, pay to the Honorary Treasurer of The Adelaide Children's Hospital Incorporated for the purposes of that hospital, amounts equal to the amounts from time to time received by him in respect of the prescribed fees under this section and the receipt of the Honorary Treasurer shall be a full and sufficient discharge to the Registrar in respect of the amounts so paid.”

No. 51. Page 86—After clause 146 insert new clause 146a as follows—

“146a. *Compulsory unionism, etc.* (1) Notwithstanding anything in this Act, no award or order shall be construed as imposing, directly or indirectly, any requirement or obligation on any person to become or remain a member of an association or to apply for membership of any association and any such purported requirement or obligation shall be void and of no effect.

(2) Subject to subsection (1) of this section and section 158 of this Act an award shall only provide for preference in employment to members of a registered association of employees in circumstances where and to the extent that all factors relevant to the employment of such members and the other person or persons affected or likely to be affected by the award or order are otherwise equal.”

No. 52. Page 89, line 7 (clause 154)—Leave out “remuneration” and insert “wages or other payments”.

No. 53. Page 89, line 9 (clause 154)—Leave out “remuneration” and insert “wages or other payments”.



No. 54. Page 90, line 34 (clause 156)—After “fine” insert “or part thereof”.

No. 55. Page 90, line 35 (clause 156)—Leave out “shall” and insert “may, in the discretion of the Court”.

No. 56. Page 90, line 35 (clause 156)—After “association” insert “to be applied in or towards the payment of the costs of the proceedings”.

No. 57. Page 95, line 26 (clause 167)—Leave out “or Commission”.

No. 58. Page 95, line 27 (clause 167)—Leave out “or Commission”.

Consideration in Committee.

*Amendment No. 1:*

The Hon. D. H. McKEE (Minister of Labour and Industry) moved:

That the Legislative Council’s amendment No. 1 be agreed to.

Motion carried.

*Amendments Nos. 2 and 3:*

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

That the Legislative Council’s amendments Nos. 2 and 3 be disagreed to.

These amendments would preclude subcontractors from being protected under an award.

Mr. COUMBE: Earlier, I recall moving an amendment to insert a provision similar to that existing in the present Industrial Code. I point out that the existing definition of “employee” has stood the test of time. My purpose in moving the amendment was to keep the provision as simple as possible, and these amendments from another place would have the same effect: in fact, another place has reduced the verbiage.

The Hon. D. H. McKee: And it has removed our purpose.

Mr. COUMBE: In contrast to the definition contained in these amendments, the Bill contains a long and drawn-out definition, which the Minister wishes to retain. The Minister said that these amendments would cut out subcontracting in this State. That is why the Minister opposes them. By letting the cat out of the bag, the Minister has confirmed what I said previously, that one of the purposes of the measure was to enable the Government to cut out the subcontracting system in South Australia.

Subcontracting is present in many industries. For instance, a driver may be engaged on a subcontract basis, as an owner-driver, by several people. He can be an employee and an employer in the same breath, if the clause in the original Bill is retained. The definitions of “employer” and “employee” must go together. Nothing could be simpler than to include in the definitions in the legislation the definition of “employee” in the Legislative

Council’s amendment No. 2. This is a clear and simple definition, whereas the provision the Minister wishes to retain is extremely verbose.

The legislation should be as simple to follow as possible, and the Legislative Council’s definition of “employee” is in a simple form. If the Minister wanted to include other categories, they would be caught under the umbrella provision contained in the Legislative Council’s amendments. The Minister wishes to cut out subcontracting but, although I am the first to insist that people get a fair wage, I point out that the cost of housing will rise even higher than it is at present if these amendments are not accepted.

Mr. McRAE: I support the motion. I cannot understand the lack of appreciation by the public and by members of this House of the exploitation of people in the building and transport industries, under so-called subcontracting arrangements. Any person reading a lease prepared by a petrol company for one of its lessees, or a contract drawn up by one of the building contractors, knows how harsh and unconscionable they are. Let him support what the member for Torrens has just said and he would be in an impossible position. No-one with a conscience could support the Legislative Council’s amendment.

What was passed by this Chamber does not take away by law or in arbitration or in any other way the rights of the genuine subcontractor, the person that takes the risk and supplies his labour and material. However, it does remove the exploitation of the sweated labour in the building and transport industries, where people are supplying labour only. Hundreds of people who work for starvation wages are cheated in this way.

As a former Minister of Works, the member for Torrens knows that everything we have said in relation to this clause is true. I do not care if the cost of housing does go up. Would any decent South Australian citizen say, “I want to keep the cost of my home down at the expense of sweated labour”? The rubbish that we have heard enunciated in another place that has led to this amendment is against any decent person’s conscience. We should put it strongly on record that if these amendments, inserted by the Legislative Council, are supported it will be a charter for the new sweated labour of the twentieth century.

Mr. MATHWIN: I support the Legislative Council’s amendments and oppose the motion. These reasonable amendments make a great deal of sense. Under amendment No. 2,

"employee" includes all the subcontractors and the only exception is that it does not include any spouse, son or daughter of his or her employer. The member for Playford referred to the use of sweated labour in the building industry, but surely that is going back to the nineteenth century

Mr. McRae: It's going on today.

Mr. MATHWIN: It is not going on to the extent the honourable member would have us believe. I can speak from experience in this field, which is more than the member for Playford can do. Since I have been in Australia, I have gone through the system of subcontracting. If a person does a job and loses money on it, he does not do a similar job again.

Mr. Payne: Subcontractors go bankrupt in some cases.

Mr. MATHWIN: They cannot go bankrupt after one or two jobs.

The CHAIRMAN: Order! The Committee is considering the amendments concerning the definition of "employee", and I think the honourable member should confine his remarks to this matter.

Mr. MATHWIN: The Minister has left no doubt that this provision is aimed against subcontractors. These people do a marvellous job, helping to keep the cost of houses down. For the member for Playford to talk about sweated labour is ridiculous.

The Hon. D. H. McKEE: The honourable member has said that, under the Legislative Council's amendments, everyone would be roped in. If that is the case, why not retain the original provision, which was designed for that purpose? The whole purpose of the original provision was to protect subcontractors.

Dr. EASTICK (Leader of the Opposition): The Minister wants this provision to be confusing. He wants the original provision retained so that much interpretation of it in the courts will be required. That is why we oppose it and support the amendments, which simplify the matter.

Mr. CRIMES: The amendments are nothing more or less than a snide way of avoiding award standards. A person who wants to form an organization of owner-drivers has told me that they urgently need protection. Subcontractors arrange their affairs in the expectation of making a reasonable return. However, before long they find that they are being mercilessly exploited. These people, who desire to be independent, soon find that they are entangled in a system that leaves them

without the protection given to ordinary workers.

Mr. GUNN: The amendments make clear and explicit what was obscure in the original provision, which could be interpreted in many ways. Throughout the discussions on this matter, the Minister has refused to explain what is meant by the original provision, relying on the member for Playford and the member for Spence to get him out of a tight spot. Surely he should give a proper explanation.

The Committee divided on the motion:

Ayes (21)—Messrs. Broomhill, Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (18)—Messrs. Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, McAnaney, Mathwin, Nankivell, and Rodda, Mrs Steele, Mesrs. Tonkin, Venning, and Wardle.

Pair—Aye—Mrs. Byrne. No—Mr. Allen.

Majority of 3 for the Ayes.

Motion thus carried.

*Amendments Nos. 4 and 5:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 4 and 5 be agreed to.

Motion carried.

*Amendments Nos. 6 to 8:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 6 to 8 be disagreed to.

Mr. COUMBE: There is little reason for speaking to these amendments, because they are consequential on amendment No. 2.

Motion carried.

*Amendments Nos. 9 to 11:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 9 to 11 be disagreed to.

Mr. COUMBE: The main effect of these amendments is to take the review of a case in which an employee claims harsh, unjust and unreasonable dismissal from the commission and put it back in the court, which deals with such matters at present. I support the principle that such an employee should have ample opportunity to have his case reviewed, and the highest tribunal available under our industrial law should determine the matter.

The Hon. D. H. McKee: Tell us why.

Mr. COUMBE: I have just explained that a person should have available to him the highest tribunal in the jurisdiction to hear

his case. In this Bill, however, the Minister seeks to reverse the position as it is at present provided for in the Industrial Code. The amendments provide that the man shall have his case heard by the Industrial Court, the highest jurisdiction we are considering.

Earlier I moved that the case should be heard within 21 days from the date of the dismissal, and that is included in the Legislative Council's amendments. These amendments are reasonable.

Mr. McRAE: There are three points I want to make. These amendments from the Legislative Council, like other amendments, are a sheer provocation to the trade union movement of South Australia and the workers of this State. First, the test laid down is that the dismissal be harsh or unjust or unreasonable, but this often just cannot be proved. Again, in all conscience in a dismissal, it is difficult to judge whether a dismissal is harsh or unjust or unreasonable and whether a worker ought to have a remedy. This is the first remedy that the Legislative Council said should be removed.

Secondly, the Legislative Council said the courts should deal with it. I agree that there are some occasions when a court can be involved in these decisions, but such matters more appropriately and more often arise before a commissioner, and we have lay commissioners who have a knowledge of the shop floor situation. Any person who works in this jurisdiction knows that it is essential for a commissioner to have this jurisdiction. I believe this is a conspiracy between the Legislative Council and the Chamber of Manufactures to provoke the workers of this State. It is clear that these two groups want industrial trouble in this State before the coming Commonwealth election.

The CHAIRMAN: Order! I disallow the last remark of the member for Playford because, if it is not disallowed, other members will want to reply on that subject.

Mr. McRAE: These amendments are unjustifiable, disgusting, and degrading.

The Hon. D. H. McKEE: The purpose of the amendments is to transfer the power to hear matters of unjust dismissal. We believe that, as has been pointed out, a commissioner should have the jurisdiction to hear these matters as well as judges. We have left that power as it currently exists and there is no reason why the matter should not be heard before a judge. However, the main point is that, if a person has been dismissed from his employment, he needs a quick remedy, but such matters are not taken into court immediately. The reason for the appointment of addi-

tional commissioners has already been put: they have been appointed to administer the industrial law of the State. It is their job to do this and these people should be fully occupied. I cannot accept the amendments because the aims of the Bill are simplicity and speed.

Mr. CUMBE: The Minister's statement endorses my argument. The Minister agrees with me that this is a serious matter and that he does not want people sitting around waiting for cases to be taken to the Industrial Court. However, if a man gives proper notice it does not matter whether he has to wait three weeks or three months: he will still have the opportunity to have his case heard, and the court may order the employer to pay that man the wages he would have earned had he not been dismissed. Therefore, any delay would be to the detriment of the employer who would be paying wages for that time. An important principle is involved here, and I am trying to uphold the rights of the worker in this regard.

Mr. CRIMES: I oppose the amendments. The hearing of such matters before commissioners is advantageous because they have been identified with the industry and understand the circumstances applying to it, especially regarding employment. Such people can exhibit an attitude of compassion in a case of harsh or unjust dismissal, which would not occur if the matter were taken to court. Further, if the matter is taken to court, it is taken further from the grass roots situation of industry and the welfare of the worker. When matters are taken out of the industrial sphere they become more legalistic. The member for Torrens would do well to dwell on that matter, because he may realize that the amendments are not helping the worker in any shape or form, and because the case is getting away from the field in which the trouble starts, in industry, where the commissioners have full knowledge of the circumstances applying.

Motion carried.

*Amendments Nos. 12 to 14:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 12 to 14 be agreed to.

Motion carried.

*Amendments Nos. 15 and 16:*

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

That the Legislative Council's amendments Nos. 15 and 16 be disagreed to.

The effect of these amendments will be to limit the period of retrospectivity that can be

awarded by the Industrial Commission. Members will recall that the matter concerning retrospectivity was debated previously in the Chamber and we strongly opposed any amendments to the present provision in the Bill. For the same reason, I oppose the amendments made by another place.

Mr. CUMBE: I oppose the motion. The amendment that I moved previously in this Chamber was based mainly on current practice. Those involved know that the general practice is that, despite the length of hearing of an application to the commission (the hearing may be short, or it may be protracted), to be fair to the applicants an order is made retrospective to the date of the original application. Under the present provision in the Bill, an award might be made retrospective to a date two or three years previous. Any ambiguity should be removed so that the commission can work smoothly in the way that it is hoped that it will work.

Mr. CRIMES: I support the motion. An application to vary an award, or for a new award, may be made by a small union comprising only a secretary and, say, a typist and, because the secretary may be ill, or because of the death of a secretary and the need to find an officer to replace him, the hearing of the application will be delayed and union members may be denied certain benefits under their award. The suggestion that retrospectivity may date back two or three years is ridiculous and hypothetical. I assure the member for Torrens that that situation never entered the minds of those responsible for drafting the present provision in the Bill. We should give the commission the opportunity to deal with a situation, such as the one I have cited, in order to be fair and just to the workers involved.

Motion carried.

*Amendments Nos. 17 to 19:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 17 to 19 be agreed to.

Motion carried.

*Amendment No. 20:*

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

That the Legislative Council's amendment No. 20 be disagreed to.

This amendment is associated with those just dealt with concerning retrospectivity.

Motion carried.

*Amendments Nos. 21 to 30:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 21 to 30 be agreed to.

Motion carried.

*Amendment No. 31:*

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

That the Legislative Council's amendment No. 31 be disagreed to.

This amendment removes from the Bill the provision that ensures that an employee is paid his average weekly earnings during periods of annual leave.

Mr. CUMBE: This amendment strikes out subclause (4) of clause 82, the operative words of which are "not less than his average weekly earnings". The average weekly earnings of an employee in industry vary from time to time and from industry to industry. The average weekly earning is not necessarily the award rate, because it often includes over-award payments, overtime and special allowances. Many industries in this State pay over-award rates to attract employees.

Although some employers pay the average over-award payment to employees when they are on long service leave, others pay only the award rate. Usually, overtime is not taken into consideration in this respect. I said previously that the whole matter of annual leave should be considered by the Full Commission, a point of view that members opposite opposed. I referred to what had happened in the Commonwealth sphere, particularly in the metal trades. I think members will agree that the Metal Trades Award is often taken as a yardstick for industrial matters in Australia. In a judgment regarding the metal trades handed down in June of this year, the Commonwealth court ruled that when a man went on annual leave certain allowances should be paid and that certain others should not be paid.

Although I did not spell out those allowances, I said that the commission should consider this aspect. For the Committee's information, I will now state what items the Commonwealth court included. They are as follows: shift work premiums according to rosters, projected rosters (including Saturday, Sunday and public holiday shifts), industry allowances, climatic, regional, and other allowances, leading hand allowances, first-aid allowances, tool allowances, qualification allowances, and service grants. I am sure no-one would quibble with those.

The ones that the Commonwealth court decided should not be paid were: overtime payments, camping allowances, travelling allowances, disability rates (such as for working in confined spaces and for dirty work), car allowances, and meal allowances. These would

normally apply from week to week. Therefore, the Commonwealth court, not the Commonwealth Parliament, has decided that in relation to annual leave certain allowances should be paid over and above the award rate. This amendment leads to a later amendment that will permit the court to lay down conditions and quantum of annual leave. The precedent has been set in the Commonwealth sphere, and there is nothing to stop any registered association from applying for the very thing that the Minister seeks. If this amendment and the subsequent ones are carried, one will have the option of applying to the court, which will decide what amount shall be paid. Some employees may be disadvantaged if they are paid their average weekly earnings, and in this respect I refer to a man who may, for example, be absent from work for private reasons.

Mr. McRAE: This is yet another example of the way in which the Legislative Council, every time an effort is made to set up a new and reasonable standard for the workers of this State, is determined to defeat it. What was asked for was eminently reasonable and sensible. As the member for Torrens said, in June this year Mr. Justice Aird, of the Commonwealth Conciliation and Arbitration Commission, when considering the Metal Trades Award, made the remark to which the honourable member referred. Since then Mr. Commissioner Johns, in considering the Milk and Cream Award in this State, provided a prescription similar to that in clause 82 (4). Moreover, clause 82 (4), as it stands, is in line with the concept of average weekly earnings under the Workmen's Compensation Act, which was passed by this Parliament in 1971 and which has caused little difficulty. Why should any employee who, for the benefit of the employer, works regular overtime or incurs certain disabilities go on his holidays at a loss? The reasons put forward by the Council to support the amendment are spurious. The average weekly earnings in South Australia are about \$79 a week. The sum for earnings over and above the award provision is about \$12, so that all that is involved is \$12 a week for three weeks. This is a small incentive and reward to the workers of the State.

Mr. COUMBE: Under the amendment, an application can be made to the court, and the court can then decide on this question. The decision should be left with the court, as it was in the Metal Trades Award, which is the biggest and most important award in

Australia and which is often used as a yardstick for other awards.

The Committee divided on the motion:

Ayes (21)—Messrs. Broomhill, Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (17)—Messrs. Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Nankivell, Rodda, Tonkin, Venning, and Wardle.

Pairs—Ayes—Mrs. Byrne and Mr. Corcoran. Noes—Mr. Allen and Mrs. Steele.

Majority of 4 for the Ayes.

Motion thus carried.

*Amendments Nos. 32 to 35:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 32 to 35 be agreed to.

Motion carried.

*Amendments Nos. 36 and 37:*

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

That the Legislative Council's amendments Nos. 36 and 37 be disagreed to.

These are the first two of three amendments which for the first time for over 50 years would enable a decision of the Industrial Court to be taken on appeal to the Supreme Court. As there is absolutely no justification for this provision's being inserted in the Bill, it must be disagreed to.

Mr. COUMBE: These amendments allow an appeal from a decision of the Industrial Court and the commission to be taken to the Supreme Court. The precedent has been set, because the Workmen's Compensation Act provides that appeals may be taken to the Supreme Court. The only real opposition to these amendments would be the likely cost that may be involved. The amendments provide for points of law to be taken to the Supreme Court. This provision applies in relation to all other matters.

The Hon. D. H. McKee: We don't agree with that.

Mr. COUMBE: Apparently, the Minister does not agree that the common law should be sustained. He is denying the workers the right to appeal to the Supreme Court.

Mr. McRAE: These amendments will provide a legal bonanza. One can imagine how costly the proceedings will be when the case is taken from the Industrial Court, through various appeals, to the Privy Council. In the Commonwealth Act there is no appeal from the court to the High Court, except that, where a court acts in excess of want of jurisdiction,

the High Court may examine the situation. Groups of employers and employees are only too happy to have trial by money, and to pass this amendment would be to encourage them further.

Motion carried.

*Amendments Nos. 38 and 39:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 38 and 39 be agreed to.

Motion carried.

*Amendment No. 40:*

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

That the Legislative Council's amendment No. 40 be disagreed to.

This is a consequential amendment and should be rejected.

Motion carried.

*Amendment's Nos. 41 to 48:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 41 to 48 be agreed to.

Motion carried.

*Amendment No. 49:*

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

That the Legislative Council's amendment No. 49 be disagreed to.

The deletion from the Bill of the clause that would prevent certain acts or omissions in the nature of a tort being dealt with as a civil matter removes one of the most important clauses, and the Legislative Council's amendment must be disagreed to. I shall not repeat the many arguments that were advanced about this clause during the debate in this Chamber. My Party believes that no industrial matter should be decided in the Supreme Court, and this principle is followed in several countries, particularly the United Kingdom. Matters that are entirely industrial should not go before the Supreme Court.

Mr. CUMBE: I do not agree with the Minister. By not accepting the amendment, we are denying the basic rights of people. The Kangaroo Island dispute was well known throughout Australia, and the people have realized the possibility of basic rights being taken away by this clause. The Minister is making a serious move in rejecting the amendment, which will receive sympathy from people who believe in fair play.

Mr. McANANEY: I support this amendment strongly. Parliament must protect the little man. In the debate on the Consumer Credit Bill, the Attorney-General said that, when a man borrowed money on hire-purchase, he was a little man up against the big people. The provisions of this clause enable a strong union to attack an individual, as was done in

the Kangaroo Island dispute. Unless people came to the support of the man involved in that dispute, as we did, he would have been subjected to the worst form of blackmail. Surely the Government must be consistent.

Mr. CRIMES: The purpose of the Bill is to achieve harmonious industrial relations. I heard the debate in the other place—

The CHAIRMAN: Order! I cannot allow discussion of that matter.

Mr. CRIMES: I know that these provisions have been thrashed out exhaustively and I acknowledge that there are difficulties about

them. However, we want industrial harmony, but this amendment will create tremendous industrial uproar. The employers are becom-

ing more and more aware of what they can do and they will use that right more and more because of their opposition to unions. They

want to destroy unions and turn them into tame-cat organizations. If this amendment is accepted, fewer and fewer members of unions will be willing to stand for election to union positions, particularly the position of Secretary, because they would be afraid that the provision would be used against them and would affect the security of their wives and children also. In that way, eventually only irresponsible people would be in charge of many trade unions. They would be people who could not care less whether they were put

in gaol. By insisting on this amendment, the Opposition will ensure that irresponsible people will be in charge of trade unions.

Dr. EASTICK: I have never previously

heard such a sell-out of the hierarchy of the union movement as I have just heard from the member for Spence.

Mr. Crimes: You're twisting it. I explained what could happen, not what was happening.

Dr. EASTICK: The purpose of the whole Bill may be to achieve industrial harmony, but this clause carries out the decision of the Federal Executive of the Australian Labor

Party, made in Townsville in December, 1971,

to include this form of legislation throughout the States in Commonwealth law.

Mr. Crimes: So what?

Dr. EASTICK: Now we find that the Socialist Government of this State is willing to be the first to try to bulldoze it through a Parliament and deny the people of the State a right that has been theirs for years and one that has not been irresponsibly used. This is their right, and the acceptance of the amendment will permit it to continue. I do not support the Minister in the attitude he has expressed in respect of this clause.

Mr. GOLDSWORTHY: This is the clause to which the most violent opposition has been evoked not only from the Opposition but from the community at large. I do not believe that the Bill has had as much publicity as it might have had. I received a couple of phone calls in the last week in connection with this provision from people who were disturbed at what the provision was seeking to do. Perhaps the Opposition has objected to some industrial benefits being given unwisely, but this is a fundamental matter of principle that goes deeper than the other matters that concern us. I found the argument of the member for Spence singularly unconvincing. What he tried to say was that we would not be able to recruit efficient trade union secretaries because they might be frightened that justice might be done. If the union official had a good case the litigant would lose it and the costs would be awarded in favour of the union secretary. If such an argument as that put up by the member for Spence stopped someone from becoming a union secretary he would be a weak character.

The Hon. D. H. McKee: That's no argument.

Mr. GOLDSWORTHY: The member for Spence made no point, and that is why he had no argument. I am opposed to the clause, and I think that most people in the State also are opposed to it.

Mr. McRAE: The whole object of the legislation is to provide industrial conciliation and arbitration, if need be. There is not one example of any registered organization of employees that has used the tort provision; in every case it has been an individual unconnected with a registered association. In not one of the cases where the tort remedy has been used has it produced a result: in each case the result has been achieved by conciliation and arbitration. If the Opposition wants to smash conciliation and arbitration this is the way to do it: go ahead and introduce the tort remedy. Union secretaries may be forced to accept penal provisions, but not penal provisions plus the tort hearing. I have always believed in conciliation and arbitration and that is why I believe we ought not to have these civil remedies. I am supported in my view by the experience in Great Britain and of its judges and legislators over the last 70 years.

The Hon. D. N. BROOKMAN: On many occasions the gallery has been packed—

The CHAIRMAN: Order! No reference can be made to the gallery.

The Hon. D. N. BROOKMAN: I only wish

The CHAIRMAN: Order! I will not allow any reference to the gallery.

The Hon. D. N. BROOKMAN: No-one on Kangaroo Island is listening to us today, but I can tell the Government that it would not have a moment's sympathy if it put these views across on the island.

The CHAIRMAN: Order! I rule that the merits of the Kangaroo Island dispute will not be permitted to be discussed under this clause. I have ruled that previously, and I am repeating the ruling I have given. We are dealing with torts, not with the Kangaroo Island dispute, which has already been dealt with by the House.

The Hon. D. N. BROOKMAN: The member for Playford said that if we want to smash arbitration we should introduce a tort remedy. We are not introducing anything. What is being introduced is an attempt to take away the tort remedy and the rights of people (whether they be individuals or groups) to appeal to the court. It is unfair, and the Government knows it. The member for Spence, who made an emotional speech on this subject—

Mr. Crimes: That's the way I felt about it.

The Hon. D. N. BROOKMAN: I know that the member for Spence feels strongly about it, and I understand his attitude; but his reason does not exist: his speech was emotional without any argument or reasoning. More than ever before people in this State look towards the maintenance of this provision. I agree with the Leader, who said that insufficient people in the State realize what the Government is trying to do in this Bill. The Government is not introducing something but taking away something. It has been proved how important this provision is and I am totally against the Government's attitude on this matter. I believe this provision is probably the major reason why the Government has introduced this Bill. I hope the Committee will not accept what the Minister has said. I realize the solidarity of opinion and actions behind the Minister on this matter and sympathize with members of the Government Party who are unable to exercise an independent judgment on it.

Mr. Payne: You're dreaming.

The Hon. D. N. BROCKMAN: It could not be suggested that anyone on the Government benches is able to exercise an independent judgment on this matter.

The Hon. D. H. McKee: Once again you're wrong.

The Hon. D. N. BROOKMAN: I know I am right, by the type of reaction we get to our remarks. Sometimes members opposite are uneasy and sometimes they are not uneasy. I know that the members on the Government benches are uneasy about this matter. They hope that they will kill this provision forever. When the people of the State really find out what has happened they will be indignant about it.

Mr. GUNN: I support the remarks of my colleagues. The attitude the Government has adopted, particularly the Minister, is another example of the Government's bowing to pressure from the trade union movement and not being prepared to take a reasonable and logical course of action. We have already witnessed this bowing to standover tactics. One of those deplorable courses of action occurred when this Government caved in on one occasion. The Minister said that he would have this clause struck out of the Industrial Code. This is a deliberate attempt to intimidate people who cannot protect themselves. The Minister's attitude bears out what the Opposition has been saying. Why should individuals in the community, when confronted by standover tactics of trade union officials, not have the right to protect their livelihood? We have already seen people being stood over and having their rights taken away. Why should they not have a right to go to a court to protect their democratic right to make a living?

There is not one member on this side who has any dislike of trade unions. This section in the Industrial Code has never been abused. I challenge the Minister or the member for Spence to say otherwise. I strongly support the retention of this clause, as, I believe, do the people of this State. The action in another place again emphasizes the need to retain that Chamber. I am proud to be on record as commending the other place for the course of action it has taken.

Mr. MATHWIN: I support the amendment from the other place; it is only right and proper. I can see why the Minister is so violently opposing this matter. The present position has operated so well for so long, and there is no doubt it has operated with a great deal of success. The only fly in the ointment for the Government is what has happened in a case I am not allowed to mention. The honourable member for Spence, in his outburst, put up a ridiculous argument, the main point of which was that the trade unions would be placed in an untenable position, that no-one

would take on the job of trade union secretary, and there would be no applicants for trade union positions. One of the main purposes of becoming a trade union secretary is to have a reasonably cushy job and, if it is done properly, the secretary will finish up in this place.

*Members interjecting:*

The CHAIRMAN: Order! I am not going to allow the debate to deviate from the motion under discussion. The member for Glenelg must relate his remarks to the motion. The honourable member for Glenelg.

Mr. MATHWIN: I had mentioned matters raised by the member for Spence when he got carried away with himself. To me, it was just a matter of blackmail: you will do this or else there will be trouble. This is the great stand-over tactic and the method of "You will do what you are told." It is the Big Brother talk of which we have heard so much in this place in the past two years. I wonder what the trade union movement, particularly trade union secretaries and delegates, has to fear from this provision as it now stands. They have nothing to fear. It would not be known except for the case mentioned. We have heard a lot of drivel on this matter.

Mr. Payne: We are hearing it now.

The CHAIRMAN: The honourable member for Glenelg will not solicit interjections.

Mr. MATHWIN: That is the first time I have been accused of soliciting. I support the Legislative Council's attitude.

The Committee divided on the motion:

Ayes (20)—Messrs. Broomhill, Clark, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (15)—Messrs. Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Gunn, Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Pairs—Ayes—Mr. Burdon, Mrs. Byrne, Messrs. Corcoran and Dunstan. Noes—Messrs. Allen, Ferguson, Goldsworthy, and Hall.

Majority of 5 for the Ayes.

Motion thus carried.

*Amendment No. 50:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendment No. 50 be agreed to.

Motion carried.

*Amendment No. 51:*

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



That the Legislative Council's amendment No. 51 be disagreed to.

As the Bill left this Chamber, it contained no provision regarding compulsory unionism, which members have been trying to read into it. As it contained no such provision, I ask the Committee to reject the amendment.

Mr. COURCE: The Minister says there is no difference between preference to unionists and compulsory unionism, but that is not true. In its platform the Labor Party uses the words "preference in employment", which can lead to compulsory unionism. When considering this matter earlier I tried by amendment to write back into the Bill the provision that appears in the Code, which provides that, notwithstanding anything else contained therein, the commission shall not have jurisdiction to order whether preference should be given. The Legislative Council has come down somewhere in between. If the Minister examined this matter he would see that this amendment was different from the one I moved previously: it expresses opposition to preference being given to unionists. Subclause (2) is important, as it provides that in certain circumstances preference can be given. As preference to unionists can lead to compulsory unionism, which is repugnant to me and to members of my Party, I oppose the motion.

Mr. McRAE: The member for Torrens seems completely confused on this matter. The Legislative Council accepted the preference clause with the proviso contained in amendment No. 50 regarding conscientious objectors. The Committee is now considering amendment No. 51 and, for the first time in discussions by either Party, there is a reference to compulsory unionism. The Labor Party has always made clear that it is not aiming for compulsory unionism; we aim for preference to unionists. The previous amendment set out the procedure with regard to conscientious objectors. Therefore, I can only assume that this amendment of the Council is a deliberate provocation. Having accepted the principle of preference to unionists, why should the Council then put in an amendment relating to compulsory unionism?

Mr. MATHWIN: No-one has yet explained to me the difference between preference to unionists and compulsory unionism. One must lead to the other. If a person wants a job and is not a unionist, and if preference is given to unionists, that person will be unable to get the job.

Progress reported; Committee to sit again.

*The Speaker having resumed the Chair:*

The Hon. HUGH HUDSON (Minister of Education): I move:

That the sittings of the House be extended beyond 6 p.m.

We will have to go to 7 o'clock unless we get a little more co-operation.

Motion carried.

In Committee.

Mr. GUNN: I support what the member for Glenelg has said. Preference to unionists is nothing more than compulsory unionism. Whenever a person refuses to join a union and an industrial dispute takes place, that person is refused his right to employment. The Minister has not been able to explain what this new clause means, and has been unable to deny what was said by the member for Glenelg. It is wrong for the Minister and other Government members to bulldoze this measure through the Chamber. We have a democratic right to speak in this Chamber on behalf of the people who elect us. The steamrolling tactics that have been adopted by the Government must be deplored, and I reject this attitude. We should be able to take as much time as we wish, because it is our right to speak on any matter and our constituents expect us to speak on these matters. I can cite many instances in my district in which people have been threatened that, if they did not become members of a union, they would be blackballed.

Mr. Wright: Tell us one specific case.

Mr. GUNN: Two of my constituents employed by the Highways Department for subcontract work on culverts were visited by an Australian Workers Union organizer.

Mr. Wright: Give us some names.

Mr. GUNN: I was about to describe the tactics that have been employed by organizers of the union to which the member for Adelaide belonged. My constituents received a visit from an A.W.U. organizer who told them that, if they did not become members of the A.W.U., he would call out the whole gang employed by the contractor.

Mr. Clark: That is not in this Bill; it has nothing to do with it.

Mr. GUNN: Surely the member for Elizabeth, with his experience, can do better than that. His action seems to be typical of how a smoke-screen has been thrown across the eyes of the people of this State. In another instance in my district, people were employed by a contract crusher to provide metal for the roads. The A.W.U. organizer, who is well known to the people of this State, arrived and asked whether the workmen had joined the

union. They told him what to do and where to go. The organizer returned the next morning and instructed the foreman not to start the machine, because he would black-ban every operation of that company in South Australia unless the men joined the union. That pressure was exerted on the company.

Mr. Payne: Is that dealt with in the Bill?

Mr. GUNN: If the honourable member does not like what I am saying, he may as well sit and listen, because the Chairman will rule me out of order if necessary. The management of that company issued an instruction—

The Hon. D. H. McKee: You don't like trade unions, that's your trouble.

Mr. GUNN: —that, if the people did not join the union, they would be dismissed. They were denied their democratic right of employment, and that is against the principles of the Universal Declaration of Human Rights, which we hear Labor Party members speaking about, although they speak of these matters with a forked tongue. I support trade unionism. I am proud to be a member of an association that speaks on behalf of primary producers, but there is nothing compulsory about it: if there were, I would not belong to it. I support what the member for Glenelg has said, because preference to unionists is compulsory unionism.

Mr. MATHWIN: Several times I have asked the Minister what is the difference between compulsory unionism and preference to unionists, but I have not received a reply.

The Hon. D. H. McKEE: When this matter was being debated, the position was explained clearly by other members, including the member for Spence, and by me. If the member for Glenelg wants to find out the difference between the meaning of "compulsory" and "preference", I suggest that he go and see the Parliamentary Librarian.

*Members interjecting:*

The CHAIRMAN: Standing Orders provide that any honourable member who disregards the authority of the Chair may be warned and named.

Mr. MATHWIN: Does the Minister refuse to give me the information, or is he unable to give it?

Mr. GUNN: Surely the Committee is entitled to an explanation. It was deplorable of the Minister to tell the member for Glenelg to see the Parliamentary Librarian. If the Minister cannot discharge his responsibilities faithfully, he should resign.

The Hon. D. H. McKEE: I cannot see any reason why I should give an explanation regarding compulsory unionism: it is not mentioned in the Bill.

Mr. MATHWIN: I maintain that preference to unionists means compulsory unionism and, as the Minister has said that there is no connection between the two terms, I should like to know what is the difference.

The CHAIRMAN: It is not the prerogative of the Chairman to demand information from any member of the Committee. I have no power to compel a Minister to reply to a question, but I do tell honourable members that Standing Order 156 shall prevail.

Mr. GUNN: The Minister has said that the Government's policy is preference to trade unionists and members on this side have shown that preference to trade unionists is the same as compulsory unionism. I appeal to the Minister to state what he considers to be the difference.

The Committee divided on the motion:

Ayes (20)—Messrs. Broomhill, Clark, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (13)—Messrs. Pecker, Brookman, Carnie, Coumbe (teller), Eastick, Gunn, Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin and Wardle.

Pairs—Ayes—Messrs. Brown and Burdon, Mrs. Byrne, Messrs. Corcoran and Dunstan. Noes—Messrs. Allen, Evans, Ferguson, Goldsworthy, and Hall.

Majority of 7 for the Ayes.

Motion thus carried.

*Amendments Nos. 52 and 53:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 52 and 53 be agreed to.

Motion carried.

*Amendments Nos. 54 to 58:*

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 54 to 58 be disagreed to.

Mr. COUMBE: Can the Minister explain why he is moving to disagree to these amendments?

The Hon. D. H. McKEE: Amendments Nos. 54, 55 and 56 replace the provision that was in the Bill with the present equivalent section of the Industrial Code. The intention of this Bill is to improve the law and not just repeat existing provisions. The amendments, in these circumstances, should be disagreed to. Amendments Nos. 57 and 58 prevent a

Commissioner of the Industrial Commission from dealing with contempt in proceedings before him, and should be disagreed to.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 2, 3, 6 to 11, 15, 16, 20, 31, 36, 37, 40, 49, 51, and 54 to 58 was adopted:

Because the amendments are in conflict with the principles of the measure.

*Later:*

The Legislative Council intimated that it insisted on its amendments Nos. 2, 3, 6 to 11, 15, 16, 20, 31, 36, 37, 40, 49, 51, and 54 to 58, to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. D. H. McKEE (Minister of Labour and Industry) moved:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments to which it had disagreed.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Coumbe, Crimes, McKee, McRae, and Mathwin.

*Later:*

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council Conference Room at 8 p.m.

The Hon. HUGH HUDSON (Minister of Education) moved:

That Standing Orders be so far suspended as to enable the conference on the Industrial Conciliation and Arbitration Bill to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

### **BILLS OF SALE ACT AMENDMENT BILL**

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Bills of Sale Act, 1886-1970. Read a first time.

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

*That this Bill be now read a second time.*

This short Bill is consequential on the Consumer Transactions Bill. Its purpose is to exempt an unregistered bill of sale that constitutes a consumer mortgage within the meaning of the Consumer Transactions Bill from the provisions of section 28 of the Bills of Sale Act. The effect of that section is to avoid an unregistered bill of sale as against the Official Receiver and judgment creditors. The Con-

sumer Transactions Bill abolishes the hire-purchase agreement, which does not require registration under the Bills of Sale Act, and substitutes a consumer mortgage. The consumer mortgage would come within the provisions of the Bills of Sale Act unless expressly exempted. The effect of the amending Bill is, therefore, to preserve the validity of a consumer mortgage as against the Official Receiver or a judgment creditor where the sole ground of invalidity consists in the fact that the consumer mortgage constitutes a bill of sale and is unregistered.

Dr. EASTICK secured the adjournment of the debate.

### **STATE BANK ACT AMENDMENT BILL**

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the State Bank Act, 1925-1968. Read a first time.

The Hon. HUGH HUDSON: I move:

*That this Bill be now read a second time.*

It seeks to clarify and codify the application to the State Bank of the provisions of the Public Service Act. It has been the practice for many years to apply the provisions of the Public Service Act to the employment conditions and arrangements of officers of the State Bank, and section 19 of the State Bank Act was originally enacted to provide for this. However, with amendments of the Public Service Act subsequent to enactment of the existing provisions of section 19, and with the complete re-enactment of the Public Service Act in 1967, some features of the procedures affecting the State Bank have become somewhat difficult of application and others rather unclear and possibly anomalous.

Under the former Public Service Act, the administrative and employment functions were vested in the Public Service Commissioner; the Public Service Board carried out classification of offices and heard appeals against appointments, whilst a special separate authority was set up to deal with disciplinary appeals. For the State Bank, those functions which for the Public Service fell to the Commissioner and the Public Service Board were placed with the State Bank Board, whilst the disciplinary appeal authority remained with the Public Service. It is a matter of record that there has never been an occasion to call for the operation of the disciplinary appeals tribunal for a State Bank officer. With the new Public Service Act, the administrative and employment function was transferred from the Commissioner to the Public Service Board, which retained also its previous classification function, but the

promotions appeal function was transferred to separately constituted appeals committees.

With the State Bank, the promotions appeal function has continued to be handled directly by the State Bank Board. As appointments are recommended and forwarded to the Governor by the board after considering nominations from the bank's management, it may appear somewhat like appealing from Caesar to Caesar with the promotions appeals in the hands of the board. Even though the present procedures appear to have worked satisfactorily for a long period, the State Bank Board has indicated that it sees both merit and consistency with the new Public Service Act approach if a separate appeals committee should now be set up. This is the principal new feature introduced by this amending Bill.

The other significant provision is for the constitution of a classification committee or committees to advise the State Bank Board upon classification of offices. The function of such a committee would ordinarily be to advise whether, having regard to the duties of any particular office, that office is ranked appropriately in relation to other offices, or whether it should be raised or lowered in relative ranking. Actually there is no comparable provision in the Public Service Act, but under its general managerial powers the Public Service Board has set up such committees to advise it. It would, of course, be competent for the State Bank Board likewise to set up such committees to advise it, without the necessity for legislation.

However, the board has indicated its preparedness to set up such a committee or committees which have been sought by the Australian Bank Officials Association, and it has therefore seemed desirable to set out the constitution of such committees should they be adopted. Whilst such committees will necessarily be advisory, because final determination of such an important managerial function cannot properly be taken entirely out of the hands of the board, there is every reason to expect that the recommendations or findings of the committees will be followed by the board. That has been the experience in the Public Service, and also has been the experience with similar committees which presently operate in the Railways Department, the Savings Bank of South Australia, and the Electricity Trust. In accordance with practice which has now become widespread and virtually standard, both the appeals committee and the classification committees will have nominees of management and of the

officers' association with a mutually acceptable chairman independent of management and the association.

Clauses 1 and 2 of the Bill are formal. Clause 3 adds two definitions, convenient for the purposes of the amendments proposed. Clause 4 makes amendments to section 19 of the principal Act by deleting subsection (2) and inserting in its place new subsections (2) to (13). New subsection (2) is a necessary preliminary to succeeding subsections which are designed to assure to officers of the bank the same rights and privileges which they would have as public servants, but at the same time providing for some variations in procedures which are convenient and practicable in a separately operated and administered undertaking so as to make those rights and privileges effective.

New subsection (3) provides for effectively the same rights and privileges for bank officers as for Public Service officers, whilst the necessary specific variations in detailed procedures are set out in subsequent subsections. New subsection (4) provides for a variant from Public Service procedure which will be convenient for the bank where it may be necessary from time to time to make a series of transfers of officers simultaneously, particularly as between branches. It may not be convenient to call applications separately and successively for each move to be made, for that would be too time consuming. Accordingly, the bank board would be authorized, if it thought fit, to dispense with formal calling for applications, but the rights of all potential applicants where promotions are concerned would be fully preserved by the provisions of new subsection (5).

The rights would in fact be widened in such circumstances for where applications are called prior to nominations only applicants are given appeal rights under the Public Service Act, whilst under this alternative procedure any officer whatsoever may appeal if he considers he has a better claim than the officer nominated. New subsections (6) to (8) provide for the constitution of an Appointments Appeal Committee for bank officers in substantially comparable fashion as under the Public Service Act, whilst new subsection (9) similarly provides for a Disciplinary Appeal Tribunal.

New subsection (10) provides for the constitution by the State Bank Board of a classification committee or committees to make recommendations on classification of offices within the bank. As already explained, such committees are already actually operative as

advisory bodies within the Public Service, but they are set up under the managerial powers vested in the Public Service Board and not by specific enactment.

Mr. BECKER secured the adjournment of the debate.

### LICENSING ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967-1972. 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 miscellaneous amendments to the Licensing Act. The Bill provides for the grant of a licence to a person nominated by the Adelaide Festival Centre Trust enabling him to sell and supply liquor in accordance with special terms and conditions determined by the court within the premises of the Adelaide Festival Centre. New provisions are inserted in the section of the principal Act dealing with wine licences. The five-year period in which licensees were enabled to continue to serve wine unaccompanied by food has now expired. Licences cannot therefore be renewed unless the conditions relating to the provisions of food stipulated by the principal Act are fulfilled. It appears that some licensees do not intend to seek renewal of their licences. The Government believes that it should be possible to grant new wine licences to replace the licences that are not renewed, and provision is accordingly made for this to be done. Under section 23 (3) the holder of a wine licence renewed after September, 1972, is prevented from selling wine unaccompanied by food. It is considered that the present system under which the licensee may sell wine by the bottle or sell wine unaccompanied by food during the same hours as are applicable to hotels should continue. If, however, the licensee seeks to sell and dispose of wine during the hours applicable to a hotel dining-room, the wine must be disposed of in association with food. Under the proposed provisions, food must be available for consumption on the premises if the licensee is to be entitled to carry on business in pursuance of the licence.

The Bill provides for the purchase of liquor by the holder of a club licence from a retail storekeeper. This amendment brings the club licence provision into conformity with other provisions of the principal Act. The provision I have in mind is that provision in the Act relating to permit clubs.

Administrative changes are made relating to the time at which licences are to expire and the time at which quarterly instalments of licence fees are to be paid. This will greatly improve the administration of the principal Act by providing uniformity between all licences and thus removing many administrative complexities. The Bill also provides for the grant of special permits under section 66 of the principal Act to the holders of wine licences and cabaret licences. The provisions of the principal Act dealing with the grant of a packet certificate are amended to enable the court to grant such a certificate over an extended period. Where the service provided by the holder of a certificate is of an exceptionally high standard, he may be authorized by the court to purchase the supplies of liquor he requires for the purpose of his certificate from a wholesaler.

Clauses 1 and 2 are formal. Clause 3 provides for the grant of a special licence in respect of the Adelaide Festival Centre. Clause 4 amends section 23 of the principal Act. The effect of these amendments is to enable the holder of a wine licence to continue to dispose of wine in the usual manner. No wine licence will be granted or renewed unless the licensee provides substantial food on the premises. Where a wine licence is forfeited or not renewed, a new wine licence may be granted to replace it. Clause 5 amends section 27 of the principal Act. The holder of a club licence is authorized to purchase liquor from the holder of a retail storekeeper's licence. The trading rights of certain clubs, which are entitled to sell liquor at any time of the day or night, are extended by removing the requirement that the liquor must be supplied to visitors at the expense of members.

Clause 6 amends the provision of the principal Act dealing with cabaret licences. The amendment is inserted merely to make it clear that a certificate under section 66 may be granted to the holder of such a licence. One significant consequence of this amendment is that a permit may be granted on a Sunday. The importance of this provision is that, this year, new year's eve falls on a Sunday. Under the present legislation the court is authorized to grant a special permit to other licensees, but it is not authorized to grant a permit to the holders of a cabaret licence. Consequently, the holders of a cabaret licence would not otherwise be able to trade on new year's eve.

Clause 7 amends section 34 of the principal Act to provide a uniform expiry date for

licences. Clause 8 removes an unnecessary exception from section 27 of the principal Act. Clause 9 amends section 38 of the principal Act by deleting the requirement that percentage licence fees be shown on the licence. Many licensees desire this information to be confidential. Clause 10 provides for the payment of licence fees, or instalments of licence fees, on the first day of each quarter. Clause 11 amends section 66 of the principal Act to provide for the grant of special occasion permits to the holders of wine licences and cabaret licences.

Clause 12 provides for the grant of a packet certificate to the owner, agent, charterer or master of any vessel that plies in South Australian waters. The duration of the certificate is not limited to one day as previously. Where the service provided by the holder of the certificate is of an exceptionally high standard, the court may authorize him to purchase liquor wholesale. The purpose of this provision is to enable the court to grant a licence for liquor facilities on a vessel intending to conduct a floating restaurant, or something of that kind.

Clause 13 amends section 87 of the principal Act to make clear that clubs are not entitled to sell liquor to visitors for consumption off the premises. Clause 14 amends section 118 of the principal Act. The previous amending Act purported to amend subsection (2) of this section. In fact, the amendments were appropriate to subsection (1a). This clause inserts the amendments in the appropriate subsection.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

#### **REAL PROPERTY ACT AMENDMENT BILL (STRATA TITLES)**

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an

Act to amend the Real Property Act, 1886-1969. Read a first time.

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

*That this Bill be now read a second time.*

It contains a consequential amendment to the Act, arising from the Bill amending the Planning and Development Act which is before Parliament at the moment. Honourable members will recall that the Planning and Development Act Amendment Bill (General) contained a proposal to increase from \$100 to \$300 the contribution payable to the Planning and Development Fund by developers of subdivisions containing 20 allotments or fewer. The Real Property Act contains a similar provision with respect to strata titles and, to be consistent, this provision must be amended to provide a similar increase.

Thus the Director of Planning will, if this Bill becomes law, be able to refuse approval of a strata plan if the applicant for approval has not paid into the fund the sum of \$300 for each unit defined on the plan. I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 enables the commencement of this Bill to be proclaimed at the same time as the Planning and Development Act Amendment Bill (General). Clause 3 effects the increase from \$100 to \$300.

Mr. CARNIE secured the adjournment of the debate.

#### **DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL**

Received from the Legislative Council and read a first time.

#### **BUSH FIRES ACT AMENDMENT BILL**

Returned from the Legislative Council with an amendment.

#### **ADJOURNMENT**

At 6.56 p.m. the House adjourned until Tuesday, November 14, at 2 p.m.