HOUSE OF ASSEMBLY

Thursday, October 24, 1974

The SPEAKER (Hon. J. R. Ryan) 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:

Appropriation (No. 2),
Road Traffic Act Amendment (Crossings),
State Bank Act Amendment.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

WATER COSTS

In reply to Mr. BURDON (October 15).

The Hon. HUGH HUDSON: Distribution costs for Mount Gambier as a single township cannot be given, as several small nearby towns are included in the Mount Gambier water district cost ledger. The figures therefore represent the city of Mount Gambier and the townships of Port MacDonnell, Penola, Tarpeena, Yahl and Blue Lake country lands. The figures for 1973-74 are as follows:

	Metropolitan Area	Mount Gambier	Southern Region	Central Region	Northern Region	Western Region
Revenue	$20 699 218	$410 067	$1 038 692	$2 234 191	$3 351 350	$1 034 241
Cost	$17 663 889	$693 547	$1 753 225	$5 512 098	$6 100 237	$3 505 241
Consumption (kilolitres)	122 023 880	3 282 254	7 659 796	14 138 450	25 010 972	7 005 272
Revenue a kilolitre	$0.17	$0.12	$0.14	$0.16	$0.13	$0.15
Cost a kilolitre	$0.15	$0.21	$0.25	$0.39	$0.25	$0.50
Surplus (s) or deficit (d) a kilolitre	$0.02(s)	$0.09(d)	$0.11(d)	$0.23(d)	$0.12(d)	$0.35(d)

As from July 1, 1974, a common water rate of 7.5 per cent of annual value and a price of 11c a kilolitre applied throughout the State. The figures show clearly that Mount Gambier is not subsidising the metropolitan area. A surplus of $3 035 329 occurred in the metropolitan area whilst the Mount Gambier district incurred a loss of $283 480. Because of the higher valuations in the metropolitan area the revenue received for each ratable assessment is considerably higher than at Mount Gambier. Comparison of the two areas is as follows:

1973-74	Adelaide	Mount Gambier
Revenue raised	$20 699 218	$410 067
Number of ratable assessments	331 788	8 820
Average rate payable for each assessment	$62.39	$46.49

COMMUNITY HEALTH CENTRES

In reply to Mr. BLACKER (October 3).

The Hon. L. J. KING: It has not been suggested that either of the projects conceived for Cummins or Tumby Bay should be abandoned. The present difficulty is that, because of escalating building costs, funds available for these two projects during the present financial year may not be adequate to allow both to be completed. This problem was presented to a joint meeting held with representatives of the interim advisory committees for the Cummins and Tumby Bay Community Health Centres, convened by Dr. P. M. Last (Director of the State Health Resources Unit) at Cummins on September 26, 1974. As a result, there was unanimous agreement on the part of those present that, if additional financial resources cannot be obtained for the building construction aspect of the projects, priority should be given to Tumby Bay over Cummins. It is intended that the Cummins Community Health Centre will function from temporary headquarters, and funds are available to meet operational costs for this purpose. Information is now being sought from the Hospitals and Health Services Commission on the possibility of obtaining additional funds to allow both building projects to proceed during the present financial year.

FULLARTON ROAD

In reply to Mr. DEAN BROWN (October 17).

The Hon. G. T. VIRGO: The delays to traffic at the Bartels Road and Dequetteville Terrace intersection occur for short periods during peak hour traffic flows. The traffic signal installation is a four phase operation to provide maximum safety and, in this situation, some delays at peak hours are unavoidable if accident prevention is to be achieved. Improvements of the Wakefield Road and Dequetteville Terrace junction together with the adjacent Fullarton Road and Kensington Road intersection have been considered for some time. Finalisation of plans has been delayed pending a decision on proposals for traffic in the city of Adelaide, now before the public for comment. Plans for this complex of roads will be implemented as soon as possible after the city of Adelaide proposals are confirmed.

SCHOOL CROSSING

In reply to Mr. WELLS (October 17).

The Hon. G. T. VIRGO: The operation of the crossing to which the honourable member referred is now being investigated and is the subject of negotiations with the city of Enfield. It is intended to replace the existing crossing with traffic signals nearby at the intersection of Windsor Grove and North-East Road. However, to provide maximum protection for pedestrians and to minimise delays to traffic, a road closure is considered necessary. This closure is now being discussed with the council. If agreement cannot be reached on the closure, action will be taken to convert the existing zebra crossing to a pedestrian actuated mid-block traffic signal installation.

MONARTO

Dr. EASTICK: Can the Minister of Education, in the absence of the Premier, give an estimate of the total number of people likely to be employed at Monarto by the 100 companies that the Minister of Development and Mines is reported to have said are interested in establishing operations at Monarto? Are any of these companies likely to be employers of large numbers of people, or has the Government accepted the fact that, because there is today less incentive for large manufacturers to come to South Australia, the industrial future of Monarto rests on attracting large numbers of small industries? It appears that the Premier's penchant for small industries in preference to large industries is supported by the Minister of Development and Mines, who apparently said in Canberra last evening that, of the 100 companies interested in South Australia, one-half would provide jobs for nearly 700 people. Apparently, the Minister has no option but to think this way, because large industries cannot be attracted to this State. Since this is an average of only

14 employees for each industry, one sees clearly that the Minister is not attracting many of the larger industries needed to provide jobs for the thousands of people the Government hopes to attract to the new city. I therefore ask the Minister whether the Government is receiving the types of industrial inquiry about Monarto for which it is looking, or whether it is receiving the type of response it should expect in the present political, industrial, and economic climate.

The Hon. HUGH HUDSON: I am not familiar with the details of replies regarding inquiries from industry for establishing at Monarto. However, I imagine that we have a fair cross-section and representation of industries of various sizes as regards the contacts that have been made so far. I will check that point with the Minister of Development and Mines, and he can next week give the Leader any additional information that he has. I do not think that the Leader is correct in his statements that the Government and the Premier are interested only in small industries and that large industries are not interested in coming to South Australia.

Dr. Eastick: What about the press report earlier this week?

The SPEAKER: Order!

The Hon. HUGH HUDSON: If the Leader wishes to ask additional questions, perhaps he will get the call again.

Mr. Goldsworthy: If you'd only answer now, there'd be no need for that.

The Hon. HUGH HUDSON: There are several instances of large industries that have come to South Australia.

Dr. Eastick: When?

The Hon. HUGH HUDSON: The largest of them all is being negotiated now. I should have thought that even the Leader of the Opposition would recognise that the Premier has been and is the chief proponent of the project in question, which involves the development of an industry that is probably as large as anything we have ever had in South Australia.

Dr. Eastick: If it happens!

The Hon. HUGH HUDSON: I realise that the Leader is knocking it. He says that he is not knocking it, but he does everything possible to suggest that it will not take place and also, by the kind of publicity that gets put out under his name, to suggest that any firm interested in coming to South Australia ought to have second thoughts about it.

Mr. Mathwin: That's ridiculous.

The SPEAKER: Order!

The Hon. HUGH HUDSON: I think that some people would forgive me for reaching that conclusion from the kind of behaviour in which the Leader indulges with great regularity with respect to any industrial development whatsoever.

Mr. DEAN BROWN: Following the speech given last evening by the Minister of Development and Mines concerning the industrial development at Monarto, can the Minister of Education, in the absence of the Premier, say why the Government has changed its policy since October 10 and now decided that it will introduce legislation to force industries to relocate or develop at Monarto? Moreover, what form will this legislation take? Will relocation at Monarto mean that Adelaide's industrial development will be retarded and inhibited? Last evening, in Canberra, the Minister of Development and Mines made a speech, part of which is as follows:

In order to provide a full range of job opportunities for Monarto residents, certain activities which provide goods or services to South Australia as a whole, or even to Australia, will need to be relocated from Adelaide to the new town. These jobs can either be obtained from the growth in existing Adelaide public or private enterprises, from the relocation of some established Adelaide activity, or from some new enterprise not yet established in South Australia ... In order to establish this balanced employment base in the new town, strong Government action, promotion or persuasion will be required.

The Hon. Hugh Hudson: That doesn't indicate a change.

Mr. DEAN BROWN: I certainly believe it does, when a reply by the Minister of Development and Mines to a question I asked on October 10 is considered. I am sure that, having made that statement, the Minister has now indicated that industries will be relocated, knowing full well that most of them do not wish to move to Monarto. Therefore, obviously legislation will have to be used to get the industries there. On October 10, the Minister replied to my question on the matter. Speaking about the introduction of legislation to relocate industries, he said, ". . . although I think it unlikely that we would proceed in this way". That speech leaves no doubt—

The Hon. Hugh Hudson: It leaves no doubt about what?

Mr. DEAN BROWN: —that some very strong action will be necessary to relocate industries at Monarto. On October 2, when I asked a question about when the new town would be established and people would take up residence there, the Minister of Development and Mines said that no specific date could be given. However, the report of the Minister's speech in this morning's *Advertiser* shows that dates have now been given, as the Minister has said that by December, 1978, between 800 and 1 000 people will be living at Monarto.

Mr. Gunn: Conscripted and directed.

The SPEAKER: Order!

Mr. DEAN BROWN: As my question indicates, I have grave fears that, first, some compulsion will be introduced in relocating these industries, and secondly, that that compulsion and relocation will inhibit the growth of Adelaide. Furthermore, I—

The SPEAKER: Order! The honourable member is now starting to debate the matter, and that is not permitted in explaining a question.

Mr. DEAN BROWN: Obviously, since my two questions earlier this month, the Government, and the Minister in particular, have had to do some rethinking.

The Hon. HUGH HUDSON: There is absolutely no truth whatever in the honourable member's presumptions. The passage that he quoted from the speech in Canberra last evening of the Minister of Development and Mines demonstrated that there was no truth in what the honourable member said. Just because strong action may be required does not mean that anyone will be forced to relocate.

Mr. Dean Brown: What does it mean?

The SPEAKER: Order!

The Hon. HUGH HUDSON: Strong action could mean, for example, the providing of an incentive, or has that thought not entered the puerile brain of the member for Davenport? He is using remarks—

Mr. Dean Brown: What about persuasion?

The SPEAKER: Order!

The Hon. HUGH HUDSON: Persuasion does not mean force. I suggest the honourable member should learn something more about the English language. If I thought there was any chance of a rescue operation being successful in his case, I would offer him the facilities of one of

our adult Matriculation classes. The honourable member's presumptions are incorrect, the basis on which they are made involving a distortion that was made deliberately by the honourable member in order to raise another canard that he could spread around the community. There is no basis whatever for the statement; he has deliberately distorted the passages he has quoted. He should be talked to by his Leader. I understand that he is known as the self-appointed shadow Minister of Agriculture, as this is what he was telling Commonwealth Parliamentary Association delegates. Now he is doing this, and it is not good enough: it is a complete distortion.

Mr. Gunn: Why don't you get on—

The SPEAKER: Order! If the honourable member for Eyre persists in interjecting, Standing Orders will prevail in his case.

Mr. Dean Brown: The Minister knows that's a lie.

The SPEAKER: Order! I warn the honourable member for Davenport.

RATING REPORT

Mr. COUMBE: Has the Minister of Education seen the recommendations made by the task force and contained in a recent report entitled *Vital Cities for Australia,* particularly recommendation No. 5, which states that zoning, rating and taxation systems—

The Hon. Hugh Hudson: Who wrote that report?

The SPEAKER: Order!

Mr. COUMBE: —should be modified to preserve and promote a variety of uses in the business districts of the cities? For the information of the Minister, the report is entitled *Vital Cities for Australia,* the Chairman of the task force being Mr. Alec Ramsay; it is an official publication. I ask the Minister whether he has seen or studied this report. Bearing in mind the problems facing the Adelaide City Council at this time, has the Government considered modifying the rating and taxing systems of the Adelaide area as recommended by this task force and, if it has not, will the Minister investigate the matter?

The Hon. HUGH HUDSON: I will see that the matter is examined. As I have not seen the details of this report, I am not aware of what work, if any, can be undertaken by the Treasury or other departments in relation to this matter.

MURRAY RIVER

Mr. ARNOLD: My question follows a question asked yesterday by the Leader of the Opposition. In view of criticism levelled by the Prime Minister at the South Australian Minister of Works and other State Ministers in relation to the working party established by the River Murray Commission, can the Acting Minister of Works say what action the Government will take to ensure that, as soon as possible, the working party completes its study into necessary works that will ensure that salinity in the Murray River is reduced and water quality maintained at the highest level? I have often asked the Minister of Works what action is being taken in South Australia by the Engineering and Water Supply Department to carry out the necessary recommendations of the Gutteridge report, which has been available to the Government for at least four years. In view of very little action being taken in this direction and bearing in mind the Prime Minister's comments about the working party, I ask the Minister just what steps the South Australian Government intends to take to expedite action in the matter,

The Hon. HUGH HUDSON: I think that the South Australian Government has been pushing this matter all along. Obviously, we are, to some extent, in the hands of the other States. For example, the inquiry into environmental protection and the establishment of an environment protection committee were at South Australia's instigation. We have secured agreement on that. Although we nominated our representatives to that committee several months ago, New South Wales has not yet nominated its representatives. Regarding the overall question of salinity control, the South Australian Government and the Engineering and Water Supply Department are most concerned to commence necessary work as soon as possible. After all, we are the people who suffer most as a result of any quality problems. As the Premier explained yesterday, one of our present difficulties is that the River Murray Commission legislation does not give the commission effective control over water quality. New South Wales and Victoria in particular are less concerned about this overall problem than is South Australia. Therefore, we need some means whereby we can bring pressure to bear on the other States to ensure that the necessary work takes place more rapidly.

Mr. Arnold: What means are available?

The Hon. HUGH HUDSON: We have to get co-operation from New South Wales and Victoria. I think it might be valuable if the member for Chaffey asked his Leader to raise with his colleagues of the same Party in New South Wales and Victoria the need for more rapid action in relation to the necessary work that must be carried out.

Dr. Eastick: They won't sell out their souls as has been done in this State.

The SPEAKER: Order!

The Hon. HUGH HUDSON: I think that, by that interjection, the Leader indicates that he does not intend to use his good offices with the Governments of New South Wales and Victoria.

Dr. Eastick: We've had discussions.

The Hon. HUGH HUDSON: I am glad to hear that and hope they are more productive than our discussions. The Leader may be able to get the New South Wales Government to appoint its representative to the environment protection committee, which was set up some months ago. Several things of that kind could be done. We will co-operate to the fullest possible extent to see that the necessary work is carried out. Obviously, certain types of work will be difficult to carry out for some time because of the high river level, and certain types of investigation will be more difficult as a consequence of the current state of the river. Officers of the Engineering and Water Supply Department will certainly co-operate in every way possible to get measures directed at ensuring effective quality control and protection of the environment as soon as possible. The honourable member must realise that, under the legislation as it stands, South Australia cannot determine what the River Murray Commission does: we rely on the co-operation of other States. There are issues that are far more important than any question of Party politics, centralisation, or anything else. From the point of view of South Australia's future, the absolutely dominant issue that overrides any petty feelings of Party politics, centralism, or what have you is the future of the water supply from the Murray and the absolute necessity that action be taken to ensure the quality of water and that effective protection pf the environment takes place,

UNIONISM

Mr. GUNN: I address my question to the Minister of Labour and Industry. As the Premier is not here today, the Minister may be able to reply. Can he clearly state what is the difference between the professed policy of the South Australian Government of giving preference to unionists, and compulsory unionism?

The Hon. D. H. McKEE: I recall that the honourable member has put a similar Question on Notice, for which a reply is being prepared and will soon be on its way to the honourable member. I only hope he can understand it when he gets it.

POLICE PENSIONS

Mr. MATHWIN: In the temporary absence of the Attorney-General, will the Minister of Education ask the Attorney-General to take steps to solve the problem that now exists regarding widows of police officers who do not receive their pension cheques on time, particularly on holiday weekends? A constituent of mine states that she receives a police pension and that, on the last two holiday weekends, a cheque has not been posted to her until after the holiday, as a result of which she had to borrow money to help her over the weekend. Some time ago, a similar matter was brought to the Government's attention in relation to ordinary pensions, and the Government solved that problem. I hope the Attorney will see fit to do something about this problem.

The Hon. HUGH HUDSON: The administration of police pensions is, I think, dealt with by the Premier. I am aware, at least in relation to full pensioners (police employees), that that matter has been dealt with. However, I will see that the problem raised by the honourable member is investigated and, if action can be taken, that it is taken as soon as possible. If the honourable member gives more details than he has given, that may assist the investigation.

PORTABLE TRAFFIC LIGHTS

Mr. ALLEN: Will the Minister of Transport say whether any consideration has been given to the use of portable traffic lights where roads are being constructed or repaired? When I was in other countries recently, I noticed that many of those countries used this form of traffic control when roads were being repaired or construction work was being done. The lights are portable and can be operated either by batteries or manually. Use of these lights would save many man-hours of work when roads being repaired were such that a by-pass could not be used and it was necessary for traffic to use the road continually while work was proceeding.

The Hon. G. T. VIRGO: The matter has not only been considered but, in fact, such lights are used in South Australia. The most recent occasion on which I recall seeing such lights was when the new bridge was being built over the Sturt River, on Sturt Road between Marion Road and South Road. They were used there to control traffic in a one-way direction over the temporary bridge. The other aspect of the matter is whether they are used as extensively as perhaps they could be. We have tried to use temporary traffic lights in other locations to deal with traffic hazards during roadworks, but it has not always been possible to do this. In fact, regarding the latest area that I asked the Highways Department to consider, the department stated that that area was far too complex for a temporary set of lights. Of course, if the lights are to be successful, the operation must be fairly simple. The reply to the question is that these lights are in operation and that I should like them to be used more extensively, although the availability of the lights is another matter.

PETROL TAX

Mr. NANKIVELL: In the absence of the Treasurer, will the Minister of Education say whether the Government, before introducing legislation for the proposed franchise tax on petrol, has had discussions with the Governments of adjoining States, particularly Victoria, to find out whether those Governments intend to introduce legislation to impose a similar tax? The question results from my concern for people living in the border towns of Paringa, Pinnaroo, Bordertown, Naracoorte, Frances and, to a lesser extent, Penola and Mount Gambier. I am concerned because I believe that, if this tax applies only in South Australia, the people who provide retail deliveries to farms and who conduct roadhouses and retail outlets for the public will be affected adversely because, under section 92 of the Commonwealth Constitution, it will be possible to deliver petrol to those places from Victoria. Obviously, people travelling from South Australia to Victoria will not stay in the towns that I have mentioned but will bypass them and travel to the nearest towns in Victoria to obtain supplies. Similarly, people travelling from Victoria to South Australia will obtain supplies at Kaniva, Dimboola, Nhill, or some other Victorian town before travelling into South Australia. I wonder whether the Government has considered the effect this tax will have on people in rural areas who depend for their livelihood on the travelling public and who are retailing and, perhaps, wholesaling petrol in those areas.

The Hon. HUGH HUDSON: I think it is known and understood that Victoria is introducing a tobacco franchise tax but is not at this stage introducing a petrol franchise tax. I am sure the Premier appreciates the problem to which the honourable member has referred. No doubt the New South Wales Government had to face a similar problem before it made its decision. It would obviously be more convenient if action could be concerted between the three Governments rather than each State taking different action, but that has not proved to be possible. I will raise the matter with the Premier to see whether any further action can be taken.

PARACOMBE SCHOOL

Mrs. BYRNE: Will the Acting Minister of Works obtain a report concerning work required to be done, some of which has been started, at Paracombe Primary School, and if possible have the matter finalised? I have been approached by the Paracombe Primary School Council regarding these problems, which include the following: excavation of an open drain by a private contractor which has not been completed; four concrete paving blocks, driven over by a bulldozer and broken, which now need replacing; a new septic tank soakage pit, to be installed by a private contractor; and a playground to be graded and grassed, for which work a group contract has apparently been let. In addition, the occupier of the adjacent schoolhouse contacted me in July of this year concerning the erection of a dividing fence and the construction of a concrete path. I wrote to the Minister about this in his capacity as Minister of Education, and I should like this matter included in the investigation and report.

The Hon. HUGH HUDSON: I will investigate the matter for the honourable member.

GOVERNMENT DEPARTMENTS

Mr. BECKER: In the absence of the Treasurer, can the Minister of Education say what are the findings of investigations into Budget mismanagement by certain Government departments highlighted in the Auditor-General's Report tabled recently? I understand the Premier promised an immediate investigation into statements in the Auditor-General's Report in relation to Budget mismanagement. An article appeared in the *News* on September 11, under the heading "Probe on Errors in Departments", which states:

The Premier, Mr. Dunstan, today promised an immediate investigation into Budget mismanagement in certain Government departments highlighted in the annual report of the Auditor-General, Mr. D. E. Byrne. Mr. Byrne's report criticised certain procedures in the Public Buildings, Lands, and Conservation and Environment Departments. He (Mr. Dunstan) said he would follow Mr. Byrne's criticism through the Treasury.

Has an investigation been carried out and has a report been received? If it has, what are the findings? If a full report has not been received, has an interim report been prepared and, if not, what are the findings so far?

The Hon. HUGH HUDSON: I will inquire into the matter for the honourable member. I think it has now been recognised that the allegation against the Public Buildings Department was improperly based, but I do not know what has happened in relation to the other matters. I will get the information for the honourable member.

AUSTRAIL PASS

Mr. DUNCAN: Can the Minister of Transport give any information about the proposed ticket scheme to be introduced by the railways of Australia that will be similar to the Eurailpass system? I understand that the railway departments of Australia will soon introduce a scheme enabling visitors to this country to obtain a ticket that will allow unlimited travel on the railway systems throughout Australia for a limited period. It will be similar to the Eurailpass system operating in Europe which is so popular with visitors from overseas, particularly those from Australia and the United States of America. As I understand that the details of this scheme are now being finalised, I should be grateful if the Minister would inform the House of these details.

The Hon. G. T. VIRGO: The question of a ticket similar to the Eurailpass was introduced at the most recent meeting of the Australian Transport Advisory Council, adopted in principle, and referred to the Railway Commissioners in each of the States to work out the details and determine the date of operation. From the information I have been able to obtain (never having used one), the basis of it, I understand, is simple: a passholder would be able to travel on any Australian rail system within the time limit stipulated on the ticket. So, the pass is based on a time limit rather than on distance, so it is a different concept. I expect that the only major difference that will apply to the Austrail pass, as I think it will be called, is that it will be valid for use on metropolitan commuter services, and I understand that that is not the case with the Eurailpass. Of course, in South Australia it will have equal application to the Municipal Tramways Trust's services, as we know them now, because the trust, the former private operators and the rail system are all about to become part and parcel of the one organisation, namely, the State Transport Authority. The final details of the scheme are still being worked out. They should be available soon, and I shall be pleased to let members know about them.

ROAD SIGNS

Mr. EVANS: Will the Minister of Transport obtain a report on the reason why Highways Department officers persisted in erecting inaccurate and misleading directional signs today, after an error had been brought to their notice? Five roads meet at the junction of the Blackwood roundabout, and departmental officers were this morning erecting signs on the four major roads about 70 metres from the junction. The sign on Shepherds Hill Road is accurate, whereas the other three signs all point to Shepherds Hill Road as being Cliff Street. The normal directional sign erected by the local council reads "Shepherds Hill Road, formerly Cliff Street". A shopkeeper approached the officers and said, "Those signs are inaccurate and misleading because Cliff Street no longer exists."

Cliff Street ceased to be the name of the road on March 1, 1972, and the officers could have checked this with their head office or with the council office. There can be no objection to their erecting the main support poles, but the signs are still in position, thereby misleading people likely to travel on three roads. This error would have no direct effect on the local community, except that it could disturb it, but it could mislead and disturb others. The main point is that the officers were informed of the error, and there would have been no problem if they had taken the boards off the poles and back to the Highways Department to have the correct wording placed on them. The signs measure about 1 metre by 1½ m. Can the Minister say why the officers did not recognise that an error had been made and take the boards back?

The Hon. G. T. VIRGO: I shall be pleased to obtain this information for the honourable member. I take it from what he said that he asked the Highways Department officers—

Mr. Evans: No, it was a shopkeeper.

The Hon. G. T. VIRGO: Would the honourable member give me his name?

Mr. Evans: Yes.

The Hon. G. T. VIRGO: I will check this matter in the light of the allegation, which I regard as serious. If an officer has acted in the way the honourable member has said, correctional steps ought to be taken. However, if he is being stood up, he should be protected.

ADULT MATRICULATION CLASSES

Mr. OLSON: Can the Minister of Education say when arrangements will be finalised for conducting, adult Matriculation classes in the Port Adelaide area? I have received numerous inquiries recently from some of my constituents interested in furthering their education. However, the only venues available at which to enrol are Elizabeth or O'Halloran Hill, which are considered to be too far to which to travel. A survey of those interested in attending such classes revealed that at least 40 students wished to apply for Matriculation courses if established in the area.

The Hon. HUGH HUDSON: This year, we have had special Adult Matriculation Schools at Elizabeth and Norwood. Next year, we intend to establish Adult Matriculation Schools, in addition, at O'Halloran Hill and Port Adelaide. However, I cannot say now when the Port Adelaide arrangements will be finalised. Suffice to say that we firmly intend that they should be established. However, this will not preclude any adult who wishes to attend a normal school in order to do Matriculation from so doing. The problem that arises, however, is that any adults or persons of mature age who do Matriculation are eligible for assistance under the tertiary allowance scheme and may be eligible for assistance under other

schemes, provided that they attend a technical college or further education school, but they are not so eligible if they do their Matriculation course at a normal secondary school. Therefore, the development of separate Adult Matriculation Schools has been necessary. We had commenced the development of such schools in South Australia before the policy change relating to the extension to adult students of the tertiary allowance scheme was introduced this year. That was in response to the large increase in the number of mature age students undertaking Matriculation. I assure the honourable member and other members that, to the best of our ability, we will try to provide the appropriate facilities for adult Matriculation and to meet the needs as and when they arise.

PART-TIME WORK FOR STUDENTS

Mr. GOLDSWORTHY: Has the Minister of Education considered introducing a scheme whereby students will be able to work part time while at school? A recent press report, which states that such a scheme has been contemplated in Victoria, refers to proposed work experience legislation, which would allow students over 13 years of age or in their second year of secondary school to join the work force as part of their education. Notwithstanding that school leavers will have considerable difficulty in obtaining employment in this State as elsewhere, it would appear to be an invaluable idea, and I ask whether the Minister or the Government is considering such a scheme.

The Hon. HUGH HUDSON: We have several experiments in the work experience area for school students going on at present; for example, at Port Adelaide and Christies Beach (two situations that readily come to mind). We have recently established a joint committee of representatives of the Education Department, the Trades and Labor Council and the Chamber of Commerce and Industry to investigate this whole matter thoroughly and to reach a formalised agreement on the basis on which it should operate. As soon as that agreement can be reached, further studies will be possible and further announcements will be made.

BUTE POLICE OFFICER

Mr. RUSSACK: Because of the grave concern of the council and residents of the Bute district about the decision to close the police station, will the Attorney-General ask the Chief Secretary to reconsider retaining a resident police officer at Bute? I have received from the Bute council a letter, dated October 22, part of which states:

At the last meeting of this council, grave concern was expressed that the Bute police station was to be closed when the present officer receives a new posting in December of this year. The concern of the members and that of the residents of the district is accentuated by the fact that Bute is situated in an area that carries a large amount of road traffic from both a north-south and east-west direction. It is considered that, with the removal of a police officer from the district, there could well be an upsurge of various offences within the district. Many small areas such as Bute are fighting to retain their identity and facilities.

The Hon. L. J. KING: I will refer the matter to my colleague.

HEADMASTERS

Mr. WELLS: Will the Minister of Education explain what the Education Department intends with regard to advertisements in the *Advertiser* calling for applications from people interested in becoming class A headmasters of special schools?

The Hon. HUGH HUDSON: The recommendation of the Karmel Committee of Inquiry into Education in South Australia was that open advertisements should take place regarding the appointment of principals of schools, and at least in the first instance in relation to headmasters class A. This matter has been followed up since the publication of that report in 1971, and agreement was reached recently between the Education Department and the Institute of Teachers for open advertisements to be introduced in relation to what we now call class A principals at primary and secondary level. The agreement provides that, in the first instance, up to 20 such people can be appointed at secondary level and up to 30 at primary and infants level. The provision of this new arrangement carries with it certain conditions; namely, in the transitional phase, at least two-thirds of the appointments must come from within the Education Department and at least one-half from within the teaching service. It has been agreed also that the appointees will be selected by a panel of eight, consisting of three people nominated by the Institute of Teachers, three representatives from the Education Department, and two outsiders, with some overall ability in these areas, nominated by the Minister. The first advertisements for the appointments have been published here, in other States, and in New Zealand. I understand that applications will close for the secondary positions in a couple of weeks, and those for the other levels will close about two weeks after that. It should be possible to announce the first appointments perhaps in a month or six weeks, but I am not sure of the actual time table. It is in relation to those positions that the advertisements were inserted in the newspapers.

TAX DEDUCTIONS

Dr. TONKIN: Will the Minister of Education ask the Premier to make immediate representations to the Commonwealth Treasurer (Mr. Crean) protesting at the Commonwealth Government's proposal to abolish tax deductions with respect to gifts to charities and to school and other building funds? It has been reported that a submission is before Commonwealth Cabinet recommending that taxation deductions for donations to charities and building funds be no longer allowed. It is believed by people supporting independent schools that this is another attack on those schools, and members of charitable organisations believe that the Commonwealth Government is intruding into the sphere of their voluntary activities. This is more evidence of the Commonwealth Government's desire to regulate and control every facet of our lives.

The Hon. HUGH HUDSON: It is interesting that Opposition members are willing to make suggestions that are complete news to members on this side. There may be a report somewhere that something has been suggested to the Commonwealth Government or to the Commonwealth Cabinet, and there may be a newspaper report about it. However, I should have thought that the honourable member would know, if he had not wanted to stir the pot, that that does not necessarily make it the truth. I have heard no talk of this whatsoever, and I would expect that any proposed changes in income tax deductions would have been contained in the Commonwealth Government's Budget and not introduced subsequently. In addition, I prefer to base decisions or arguments on the basis of what happens and not on the basis of rumours that turn out to be completely false. I should have thought that the member for Bragg would not follow the same sort of false lying that the member for Davenport likes to indulge in.

TRANSMISSION LINE

Mr. McANANEY: Can the Minister of Environment and Conservation say what is the Government's attitude towards the installation of high-voltage transmission lines in the Adelaide Hills? I understand that another transmission line is to be installed somewhere near Verdun and, bearing in mind the position of the previous line that has been installed and the Government's attitude to the environment, I should like to know its attitude about this blot on the horizon.

The Hon. G. R. BROOMHILL: I agree with the honourable member that these lines do not make a pleasant picture through the Adelaide Hills. A committee considers the means of relieving, as much as possible, the problems associated with the siting of such lines. As I recall having seen a docket about this matter and details of the stage at which consultations have now been reached in relation to these lines, I will make it my business to bring it to light again in order to ascertain whether I can provide the honourable member with details of the present proposals.

VALUATIONS

Mr. VENNING: Will the Minister of Education ask the Premier to consider widening the area of approach and asking the Valuer-General to reconsider valuations in specific areas of the State? Recently, a meeting was held at Bute, and, as a result, a deputation visited the Premier, I think last week. The deputation consisted of representatives of the United Farmers and Graziers of South Australia Incorporated and a person representing the area, Mr. Lionel Daniel. We have not heard about the outcome of that deputation other than from a report issued by the U.F. and G. in which Mr. Kerin, a member of the deputation, reports as follows:

I was particularly gratified from the Premier's remarks to our deputation that he fully acknowledges the problems of rural landowners through current high assessments and the effect the existing rating formula will have on South Australian farmers. "Mr. Dunstan made it quite clear," Mr Kerin said, "that he will personally undertake to ensure that, if anomalies and substantiated high values have been placed on specific properties, an immediate investigation will be made."

In many parts of the State values have altered, particularly in the Gladstone area, where unimproved values have increased by more than 100 per cent. Consequently, I believe it would be reasonable to ask the Valuer-General to reconsider these areas, taking a wider approach.

The Hon. HUGH HUDSON: I will ask the Premier to examine the question to see what he can do.

PREMIER'S ABSENCE

Dr. EASTICK: Can the Minister of Education say why the Premier is not in the House this afternoon, when it was expected that he would be here? No information on this has been given by any member of the Government front bench. You, Mr. Speaker, have been unable to inform members where the Premier is this afternoon and to whom questions, which would otherwise be asked of the Premier, are to be directed. The Notice Paper indicates that several Bills are to be introduced by the Premier this afternoon. His case is here, and documents concerning the Bills to be introduced are available and are being handled by the Minister of Education. I believe all members would want to know what circumstances, in relation to either the State's finances or the business of the State, have taken the Premier from the House at such short notice.

The Hon. HUGH HUDSON: Although I cannot give the complete details of the Premier's movements, I understand he has an engagement in Melbourne tonight and that he will meet with Labor Party leaders from other States in Sydney tomorrow.

RAIL STANDARDISATION

Mr. COUMBE: Can the Minister of Transport give any further information about the proposed standardisation of the rail system from Port Pirie to Adelaide? I am especially concerned about that section of the line that passes through my district at the North Adelaide and Ovingham stations. Can the Minister also indicate what is planned regarding the cross-over of the standard gauge line and the present broad gauge line? In addition, can he say what will be the effect of the planning on the road system at North Adelaide which is extremely complicated at that point?

The Hon. G. T. VIRGO: Planning for the standard gauge line has been proceeding for some time on the assumption that agreement would be reached on the matter. The consultants, Maunsell and Partners, have been looking at the situation and will report on it. It is on the assumption that the report will be completed and the recommendations acceptable to the Australian and South Australian Governments that we have continued planning operations. When the most recent report from Maunsell and Partners was received a few months ago, the matter of North Adelaide was left unresolved. Several factors are associated with that aspect, but it was believed that much further consideration was necessary. Several alternatives have been considered but, rather than hold up the whole report because of only one aspect, it was decided that about $300 000, speaking from memory, would be inserted into the cost structure of the report to deal with the grade separation that would be determined. We may simply continue Park Terrace across the railway line in a straight line to meet Torrens Road. Final details have not yet been determined, so I will ask the Commissioner of Highways to expand on the matter and to provide the honourable member with any further information that is available.

SPELD

Mr. EVANS: Can the Acting Deputy Premier say whether a Government department could help Specific Learning Difficulties Association of South Australia Incorporated with typing and other clerical duties? A letter of October 21, 1974, from Speld states:

In *Hansard* of September 17, 1974 (page 999), Mr. Dean Brown spoke regarding the allocation of $500 made to this association. The Hon. Hugh Hudson replied, "To my knowledge Speld has not applied for increased financial assistance . . ."

The letter then states that the Minister followed those remarks by saying:

"I am disappointed that Speld has not applied for an increased grant." Attached please find a copy of our submission for at least $5 000 made on May 13, 1974. We applied for the same amount in 1973 and were granted $500.

The letter continues:

The demands for help made on this association are reaching such proportions, and postage and other expenses are escalating at such a rate, that I fear we will be unable to maintain the hitherto high standard of our services in which case I fear for these children and their future. The need is there, frightening in its proportions, and the need Is not being met with understanding. It has been much easier for the authorities to delegate these children to the "too hard basket" but I feel that help should no longer be delayed both for the sake of the children and for their parents.

Attached to the letter is a copy of the submission to Mr. Bleckly (Accountant, Education Department). I will not read it, because it is available to the Minister and anyone else who wishes to see it.

The Hon. Hugh Hudson: What is the date of the letter?

Mr. EVANS: May 13. 1974. I am not asking that the Government make money available to Speld, but I am sure there must be a department somewhere in the Public Service that could help the organisation. Speld had to employ someone part time to help with typing and other clerical duties. Surely some Public Service department has the facilities to help without such help causing too much of a burden, and without extra staff being required.

The Hon. HUGH HUDSON: I will investigate the matter.

NURSES' MEMORIAL CENTRE OF SOUTH AUSTRALIA, INCORPORATED (GUARANTEE) ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Nurses' Memorial Centre of South Australia, Incorporated (Guarantee) Act, 1973. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

The Bill, which amends the Nurses' Memorial Centre of South Australia, Incorporated (Guarantee) Act, 1973, has a single object: to increase the amount of $548 000 guaranteed by the Treasurer in the principal Act to $663 000. The need for this increase arises from the escalation in building costs. The Bill, which is a hybrid Bill, will in the ordinary course of events be referred to a Select Committee.

Dr. TONKIN secured the adjournment of the debate.

PUBLIC FINANCE ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Public Finance Act, 1936-1970. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

The Bill, which amends the Public Finance Act, is essentially a Treasury "machinery matter". For some time it has been felt that the expenditure of moneys from the Revenue or Loan Account that will, at some time in the future, be reimbursed by the Commonwealth Government, somewhat distorts the position of these accounts in that a true picture of their day to day state is not apparent. Accordingly, it is proposed that, upon such expenditure being incurred, recourse will be had to the special account proposed by this Bill at regular intervals and, ultimately, that that account will be the recipient of Commonwealth funds when they are received. The Bill has only one operative clause, clause 2, and this provision sets out the legislative framework within which the proposed new arrangement is to be established.

Dr. EASTICK secured the adjournment of the debate.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Industries Development Act, 1941-1974. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This short Bill, which amends the Industries Development Act, 1941, as amended, is brought down following a recommendation of the Industries Assistance Corporation established under section 16a of that Act. Clause 1 is formal. Clause 2 amends section 14 of the principal Act, and is intended to put beyond doubt that the Industries Development Committee, before it can recommend a guarantee, must be of the opinion that the giving of the guarantee will be in the public interest. Although express reference to the criterion of an increase or the maintenance of employment in the State is thereby deleted, that may properly be regarded as one element of the public interest. Clause 3, by amending section 16f of the principal Act, lifts the ceiling on the maximum amount that may be borrowed at any one time by the corporation from $3 000 000 to $5 000 000. Cash flow figures provided by the corporation suggest that, on present expectations, the corporation's total borrowings could exceed $3 000 000 by mid 1975-76, and it is clear that, if the corporation is to continue to function, its present maximum borrowing figure must be increased. In all the circumstances, the proposed new level of $5 000 000 seems reasonable.

At this point, I indicate to members that, in accordance with the terms of the guarantee set out in this section, the terms and conditions of borrowings against the new maximum require the approval of the Treasurer. Clause 4 makes two disparate amendments to section 16g of the principal Act. The first, set out in paragraph *(a)* of this clause, increases the maximum amount of the gross value of assistance that may be provided by the corporation to any one person in the aggregate from $200 000 to $300 000. To some extent this increase recognises the fact that in real terms the maximum level of assistance, that could be provided by the corporation on its inception in 1971, has fallen. In all the circumstances the Government agrees that the increase is justified. The second amendment encompassed by paragraph (b) of this clause lifts the limit of applications to the corporation that may be determined by it without reference to the Industries Development Committee from $75 000 to $100 000. The Government and the committee feel that an increase to this level is justified.

Mr. NANKIVELL secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1974. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Mr. Goldsworthy: No!

The SPEAKER: Order! Leave is refused.

The Hon. HUGH HUDSON: The principal purpose of this Bill, which amends the principal Act (the Stamp Duties Act, 1923, as amended), is to increase certain stamp duties payable under that Act. In addition, certain minor and consequential amendments are made to the principal Act. Members will recall that in the course of the Treasurer's observations on the Revenue Budget that was placed before this House at the end of August it was forecast that increases in certain of the Government's taxing areas and service charges would be required if the deficit on Revenue Account was to be held at $12 000 000 for the current financial year.

Members may also be aware that since the Treasurer submitted that Budget to this House three matters of quite considerable significance have occurred. First, the additional special grant that we expected to receive from the Australian Government, following discussions with the Prime Minister, was not in fact forthcoming. Secondly, as a result of reassessment made by the Australian Treasury of prospective movements of average wages, it is expected that our Budget will be impacted by a further $4 000 000, being the short-fall between the cost to the Budget of meeting an expected increase in the level of average wages and the receipts from additional grants and additional pay-roll tax. Thirdly, there is a down-turn in the number of conveyances submitted for stamping, a down-turn that became apparent in August. As a result of these and other factors, even after we legislate to raise additional revenue the prospective revenue deficit is likely to be much greater than the $12 000 000 originally forecast.

The proposals contained in this Bill presage an additional revenue return of $4 100 000 in 1974-75 and $6 100 000 in a full year. Whilst the Revenue Budget forecast $1 000 000 less from these taxes during each of these periods, I would stress that, at the time the Budget was prepared, insufficient detailed information was available to accurately assess the return arising from the expanded value categories proposed for motor vehicle registrations and conveyances.

I assure members that this revised assessment has been the subject of studies to establish a reasonable base on which to determine likely revenue returns. However, I am confident that members will appreciate that there are problems involved in such studies and it is very difficult to be precise in areas over which little or no control can be exercised. One has only to consider the conveyancing area, in which this State, in common with all other States, has recently experienced a marked down-turn in revenue return to realise that any estimate of business activity in this area is, for the remainder of the financial year, at least, a matter of conjecture.

It would be fair to say that against a background of uncertainty, prudent Treasury practice requires one to take a conservative rather than an optimistic view. However, in the case of conveyances the tax base which has been adopted is above that which would be built up by taking the level of activity for the months of August and September. In constructing this base, it is assumed that with the increase of funds to ease bank liquidity generally and with action taken to permit greater lending by savings banks and with the release of additional housing agreement moneys in this area, there will be a build-up from the present level of volume and value of instruments submitted for stamping.

Notwithstanding that, in this regard, I believe, an optimistic rather than a conservative view has been taken. However, the Government would be more than pleased if in the event it turned out that its estimates had in fact been conservative, since the effect of this could reduce the need to defer capital works in order to hold Loan funds to finance revenue deficits. For the information of members, 1 set out in tabular form the additional revenue that should be generated following the passage of the Bill:

Stamp duty on:	1974-75 $	Full year $
Cheques	550 000	1 000 000
Insurance policies	1 400 000	1 400 000
Motor vehicles including third party insurance	1 100 000	1 900 000
Conveyances	950 000	1 600 000
Mortgage discharges	150 000	250 000
Total	$4 150 000	$6 150 000

In my discussions of the clauses of the Bill, I will indicate precisely how the rates of duty will be varied in each of the first four cases mentioned above. The fifth case (that is, mortgage discharges) is a new duty and is at a flat rate of $4 and follows a practice of levying such an impost in Victoria, Western Australia and Tasmania. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides, in effect, that increases in various stamp duties presaged in this measure may take effect at different times. It is otherwise a normal commencement clause. Clause 3 is intended to minimise the inconvenience, to the banking public, arising from the increase in stamp duties on cheques. As members will be aware, the vast majority of cheques are, in a manner of speaking, "pre-stamped"; that is, the stamp duty is denoted before they are drawn. The effect of this clause is to allow such cheques (stamped at the lower rate of duty), which have been issued to customers before the duty was raised, to be used for a reasonable time, notwithstanding that the new higher rate has not been paid on them.

Clause 4 amends section 48 of the principal Act, and it is intended to avoid some inconvenience to the public by permitting adhesive stamps to be placed on cheques and certain other instruments where for some reason the cheques or instruments are found to be "under stamped". Previously this could only be done on cheques or instruments stamped to 5c or less, and the amendment proposes that this limit shall be extended to 8c, this being the new rate of duty proposed on cheques.

Clause 5 amends section 48a of the principal Act and merely gives statutory effect to a useful practice exception, in that supplies of apparently "under stamped" cheque forms may continue to be used without additional stamping, provided the bank involved has made proper arrangements for the payment of the additional duty. Clause 6 increases the stamp duty on "annual licences" required to be taken out by insurance companies from:

(a) in the case of life insurance, $1 for each $100 of premium income to $1.50 for each $100 of premium income; and

(b) in the case of general insurance (that is, all insurance excluding life and motor vehicle third party insurance) from $5 for each $100 of premium income to $6 for each $100 of premium income.

Clause 7 increases the stamp duty component payable in respect of an application to register or transfer the registration of a motor vehicle. In the case of vehicles having a value in excess of $2 000, the marginal rate will be increased from $2.50 to $3 for each $100 for

the first additional $1000 of value and then to $4 for each $100 for any value over $3 000. In the case of commercial vehicles, the marginal rate for vehicles having a value in excess of $2 000 will be increased from $2 for each $100 to $3 for each $100. Further, the minimum stamp duty has been increased from $4 to $5 but the flat stamp duty rate for transfers pursuant to a will or intestacy has been held at $4. The stamp duty component payable in respect of third party policies of insurance will also be increased, by this clause, from $2 to $3.

Clause 8 increases the stamp duty on cheques from 6c to 8c and in this regard I would draw members' attention to clause 3 of this measure. Clause 9 increases the stamp duty on conveyances of real property where the value of the property is more than $18 000. Under this figure the impost is unchanged. In other cases the marginal rates are increased in the following steps:

(a) $18 000 to $50 000—$3 for each $100;
(b) $50 000 to $100 000—$3.50 for each $100;
(c) over $100 000—$4 for each $100.

Clause 10 provides for increases, of the order described in relation to clause 9, in relation to voluntary disposition of property *inter vivos.* Clause 11, which it is suggested is self-explanatory, imposes a stamp duty on instruments of discharge or partial discharge of mortgages or other charges on land or an interest in land.

Mr. GOLDSWORTHY secured the adjournment of the debate.

ADELAIDE FESTIVAL THEATRE ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Adelaide Festival Theatre Act, 1964-1973. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This short Bill, which amends the Adelaide Festival Theatre Act, is a further measure intended to relieve the Corporation of the City of Adelaide of certain of its liabilities and it follows from discussions with the corporation as to its general financial position.

This Bill at Clause 2 provides:

(a) that the council will be under no further liability to reimburse the Treasurer in respect of certain expenditure incurred by the Treasurer by way of payments for the construction of the festival theatre. The relief afforded the council here will be $2 261 a year;
and

(b) that the Treasurer will be authorised to reimburse the council in respect of payments required to meet repayment of borrowings by the council for the purposes of carrying out of the original works; at present this will involve payments of $158 529 a year until such time as the first of the borrowings is discharged, and thereafter the liability of the Treasurer will reduce as loans are repaid.

However, the liability of the council to reimburse the Treasurer out of any recovery against the Carclew property (see section 6 (4) of the principal Act) is still kept current. This Bill, which is a hybrid Bill, will in the ordinary course of events be referred to a Select Committee of this House.

Mr. COUMBE secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Highways Act, 1926-1973. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

This short Bill gives effect to an undertaking by the Government that the contribution for road safety purposes previously based on 50c for each driver's licence will be increased to $1 for each licence, following the increase in driver's licence fees. This increase is effected by clause 3 of the Bill and is expressed to come into operation on October 1, 1974, to coincide with the increase in fees.

The Government, like most people, is gravely concerned because of the road toll. Accordingly we are taking the opportunity of this increase in revenue for road safety purposes to launch probably the largest publicity campaign that South Australia has ever seen in this regard. I have had discussions with officers of the Road Safety Council and they have drafted a publicity campaign that we intend to launch to coincide with the death total of 1973, and regrettably this will not be too far into the future. So far this year, 310 people have been killed on South Australian roads whereas last year the total was 329. We hope that this campaign, which I believe is to be called "Project 329", will be launched in an attempt to keep alive some people who perhaps otherwise would be killed. This most ambitious programme will be designed to cover radio, television, daily urban and country newspapers. Literature will be available and displays mounted, so that it should be a successful campaign. We shall be making the usual appeal to, and I expect the usual response from, the media to help in this campaign. I suppose all of us are critical of the media from time to time, but in this area the media have played an outstanding part in the past and I am sure they will continue to do so in the future.

Mr. BECKER secured the adjournment of the debate.

WHEAT INDUSTRY STABILISATION BILL

Received from the Legislative Council and read a first time.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HEALTH AND MEDICAL SERVICES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

FOOTBALL PARK (RATES AND TAXES EXEMPTION) BILL

Order of the Day (Government Business) No. 1: Report of Select Committee to be brought up.

Mr. HARRISON (Albert Park) moved:

That the time for bringing up the report of the Select Committee on the Bill be extended until Thursday, October 31, 1974.

Motion carried.

PRIVACY BILL

In Committee.

(Continued from October 22. Page 1621.)

Clause 5—"Interpretation."

The Hon. L. J. KING (Attorney-General): When the Committee was last considering this measure, the member for Hanson referred to the protection he believed was needed by employees with regard to dossiers of purely personal information which he said were compiled about them by certain employer organisations. I agree with the honourable member that this is an important aspect of this Bill, and the effect of the Bill, if it becomes law, will be that the privacy of an employee will be protected. An employer will be entitled to obtain a report on those aspects of the employee's life that have a bearing on the employee's capacity to perform his duties, but he will not be entitled, any more than anyone else would be entitled, to seek information about an employee's personal life that has no bearing on the employee's capacity to do his job. If that sort of information is compiled and used, the employee will have a remedy in damages under this Bill. If it is true, as the member for Hanson says, that certain employer organisations obtain purely personal information about their employees and keep it in the form of dossiers and use it, they will be infringing the provisions of this Bill. On the other hand, I want to make clear, as I have already made clear to an employer organisation, that nothing in this measure prohibits in any way the obtaining of proper information in the form of a reference regarding a person's character or his capacity to perform his duties.

Mr. Coumbe: Some information is required under the Industrial Code.

The Hon. L. J. KING: Yes, and much of the information compiled in dossiers about employees would have a direct bearing on their capacity to do their work. There is nothing in this Bill that would inhibit the compilation and use of such information. The member for Hanson made clear that what he was concerned about was the obtaining and compiling of dossiers of information about the personal lives of employees which has no bearing whatsoever on their capacity to do their job. If such dossiers are compiled and used, that could be construed as an unreasonable intrusion on the privacy of the employee, and I agree with the member for Hanson that the Bill does have the effect of giving that protection, as I believe it should.

Clause as amended passed.

Clause 6 passed.

Clause 7—"Deemed infringement."

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

To strike out "5" and insert "6".

This is a correction in respect of the numbering of the clauses.

Amendment carried; clause as amended passed.

Clause 8—"Defences."

The Hon. L. J. KING: I move to insert the following new paragraph:

(aa) the plaintiff, expressly or by implication, consented to act or acts complained of;

This amendment provides a defence where the plaintiff, expressly or by implication, consents to the act or acts complained of. This is a public relations exercise in my view. The Justice Bill, the Bill that was prepared by the United Kingdom section of the International Commission of Jurists, contained this defence. When we came to draft our Bill in South Australia, I took the view that that provision should not go into the Bill, because it seemed to me to be completely redundant. I cannot conceive how it can be said that privacy is invaded if what is done is done with the consent of the person concerned. I really cannot see, if I agree to someone doing something, how I can then say it is an invasion of my privacy. It seemed to me that, if this was a defence, it would add nothing. If there was consent, there was no infringement of intrusion of privacy in the first place, so how could one get to the stage of needing a defence? However, the point has been raised by several bodies, including the Law Society, which believe it desirable that this defence should be included. It does no harm but, to my mind, it does not take the matter any further. However, if there are people in the community who will feel happier that a defence of this kind is expressly provided, I believe it better that it should be there.

Mr. Coumbe: You believe it will do no harm?

The Hon. L. J. KING: It can do no harm because, to my mind, no invasion of privacy is involved if there is consent. It can do no harm to provide an additional defence, but it makes clear to some people, including members of the subcommittee of the Law Society who considered the matter, that, where there is consent, there is no intrusion of privacy. However, it seems that other people take a different view; indeed, the Justices committee and the subcommittee of the Law Society took a different view.

Mr. Coumbe: So lawyers sometimes disagree?

The Hon. L. J. KING: Yes, often. The member for Kavel based most of his argument in opposition to the Bill on the fact that lawyers disagreed. They do disagree, and it would be a sad day for the development of the law if lawyers all agreed with each other—almost as sad a day as it would be for the development of democracy if politicians always agreed with each other. I believe that the amendment really achieves nothing, but, others having taken a different view, it is better that the additional defence should be included.

Mr. BECKER: Under this clause, has the media all necessary protection to print everything that is in the public interest? I would be the last person wishing to see the legitimate freedom of the media encroached on in any way. As I understand the Bill, however, the ethical reporter and the reputable newspaper will have nothing to fear. Therefore, will the Attorney say what situation he intends to cover, and will he give guidelines to the press and all other reputable sections of the media in an endeavour to set at rest their fears of the Bill?

The Hon. L. J. KING: Yes, I give the assurance the honourable member seeks. He asks whether the press would be able, without infringing this provision, to print everything that is in the public interest; that is precisely what the Bill provides. I refer the honourable member to paragraph *(b),* which provides:

> In any action it shall be a defence for the defendant to show that . . . where the infringement was constituted by the publication of words or visual images, or by activities comprising research or inquiry undertaken in good faith with such publication in mind, the publication or activities were in the public interest.

It is expressly spelled out. It covers not only publication but also the research with a view to publication, even though the publication may never take place and even though the journalist, having gone into the matter, finds that there is nothing in it and there is no publication. It is clear that, if the research itself was directed towards the public interest, it is protected. Paragraph (c) provides:

> where the infringement was constituted by the publication of words or visual images it took place in such circumstances that, had the action been one for defamation, there

would have been available to the defendant a defence of absolute or qualified privilege or of fair comment on a matter of public interest.

Once again, there is that protection. There is no question but that, under the Bill, the press and the media generally dealing with matters of public interest are fully protected from actions. I am aware that some journalists have claimed that they will be inhibited in some way because they will be concerned that some court, after the event, will decide that what they have done is not in the public interest. Sometimes there are grey areas but it seems to me that we should ask ourselves the realistic question: Is this a matter of public interest? Is this publication in the public interest? In 99 per cent of cases, the answer will fall clearly on one side of the line or the other.

It will be clear that what the interviewer or reporter did to Mrs. Petrov was clearly an invasion of her privacy. If, on the other hand, the reporter is investigating some activities of mine, as Attorney-General, as a public figure, and seeking to publish something about them, that is clearly in the public interest because I am a person holding public office and the public is entitled to know what kind of person I am. That is clear.

I do not doubt that there will be some grey areas where the press will have to consider and decide whether it is in the public interest to publish, but I do not think that that is a bad thing at all. I think it perfectly sensible and proper that those who concern themselves with publishing information to the world should have to ask themselves the question: "Does this publication amount to the invasion of someone's privacy, and is it justified in the public interest?" It is a question they should ask themselves, just as I think that, when they are commenting, under the law of defamation they should ask themselves whether what they are doing is fair and reasonable on a matter of public interest. These are questions that anyone disseminating information to the world through the media must take the responsibility of deciding.

In the overwhelming majority of cases, the answer will be crystal clear, but there will be the occasional grey areas where such people must take the responsibility of deciding whether or not to publish. That is a decision which all of us who have responsibilities have to make at some time or other. In public life, whether in Government or in Opposition, we must from time to time make decisions in the grey areas and ask ourselves whether or not this is something we ought to say publicly and whether or not it is something in respect of which the public interest demands that we make an allegation against an individual or company, even though it will harm that individual or company. Alternatively, should we remain silent because of the damage we would be doing?

Everyone who can cause harm or good by what he disseminates must take the responsibility of making such decisions. I have little patience with the argument that, simply because a person is involved with the media, he should be freed from any responsibility for decision making as to what he publishes. One cannot be in a position where one can cause such harm to people or good to the public interest without making such decisions. It is inherent in the very profession which a journalist undertakes, just as it is inherent in the profession a politician undertakes. We all have to make such decisions from time to time.

Mr. BECKER: The allegations periodically have been that it would be a costly process to challenge the provisions of the clause. Can the Attorney-General say whether it would be a costly process, or whether It is merely another red herring that has been placed in the path of the Bill?

The Hon. L. J. KING: It would be no more and no less costly than any other action at law. The Bill creates a new right, which is vindicated according to our legal processes, just as any other right is vindicated in the court. If there is a dispute whether the plaintiff is entitled to his remedy (and the matter must be fought out in court), it will be a costly process, just as any other litigation is. A person's action to vindicate his reputation, the same as his action to recover damages for injury caused to him or because of negligence, would be costly if he had to fight it out in court. That is something which is part of our legal processes. When we speak of litigation being costly, that is a general statement involving all legal procedures and is not a criticism properly directed at this Bill as such. The fact is that litigation, if it is fully contested, is costly. If a person cannot afford legal representation, financial assistance is available to enable him to obtain legal representation. It will probably still be a financial burden on him because, as the member for Kavel has pointed out, such a person will be required to contribute according to his means.

I should not have thought that this would necessarily be regarded as a bad thing. One of the criticisms of the Bill was that it could lead to an avalanche of writs or litigation, but that does not happen in the case of defamation and other analogous areas of litigation, because frivolous actions are discouraged by the fact that it costs something to pursue them. If a person has no funds and is being helped by the legal assistance scheme, it will not cost him anything, but there is a responsibility on those running the scheme and the lawyers acting under it to decide that the action is proper before they pursue it at public expense. The cost involved can never be a reason for refusing to create rights that people should have, although to vindicate such rights sometimes puts them to expense.

Amendment carried; clause as amended passed.

Clause 9—"Remedies."

The Hon. L. J. KING: I move to insert the following new subclause:

(4a) Notwithstanding anything in subsection (3) of this section, where a defendant proposes to rely on fact that he has made an apology in mitigation of damages he shall give notice of his intention so to do at the time that he delivers his defence to the action and unless that notice is given that fact shall not be so taken into account.

This simply introduces into the Bill the same procedure as exists in the law of defamation with regard to the giving of notice by a defendant where he intends to rely on the fact that he has made an apology in mitigation of damages. This has proved to be a valuable provision in the law of defamation, and exactly the same considerations apply here.

Amendment carried; clause as amended passed.

Clauses 10 and 11 passed.

New clause 12—"Time within which proceedings must be taken."

The Hon. L. J. KING: I move to insert the following new clause:

12. An action must be commenced within two years of the day on which the cause of action arose.

My original intention regarding the Bill was that, as we were creating a new tort, the ordinary provisions of the law, including the provision regarding the limitation of action, should apply and that we should make no distinction between this tort and any other tort in this respect; the period for bringing an action would have been six years. However, my attention was drawn to the fact that there was a possibility of doubt whether that was the time limit that would have applied or whether the

time limit that would have applied was that provided in the Limitation of Actions Act for rights of action conferred by Statute. This could be said to have answered both descriptions.

As a result of that doubt having been raised, it seemed that it would be advisable to provide expressly a limitation of action period. The Law Society took the view that the appropriate period was two years; that is certainly the period that presently applies in actions for slander. I should think that no hardship would be caused in requiring a plaintiff to bring his action within two years of the infringement. This provides some protection for the defendant, since the action has to be brought while it is still possible for him to obtain the evidence he may need to defend himself against that action. For that reason, it was decided to insert a clause providing a special limitation of action period of two years.

New clause inserted.

Title passed.

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

That this Bill be now read a third time.

Dr. EASTICK (Leader of the Opposition): The Bill is an abomination: it is a Frankenstein and Dracula all wrapped up in one. It is a blot on the escutcheon of a once responsible Party (the Australian Labor Party), because its promotion clearly shows that this Party fears the truth and will go to any lengths to prevent that truth from being stated. Earlier, I said that I would support the Bill at the second reading stage so that it could be referred to a Select Committee before which all aspects of the matter could be discussed and considered. The fact that it was not referred to such a committee leaves me in the position of being able to say clearly (and I indicated this earlier) that I will vote against the third reading because I believe this Bill has no place in the Statute Book.

Mr. GUNN (Eyre): I support what the Leader has said and oppose the third reading for reasons similar to those which he has expressed. One of the most fundamental principles of a democracy is that the freedom of the press be upheld. Any legislation that casts a doubt on the freedom of press reporters to report what they believe to be matters of public interest, without needing the approval of any judicial body, is against the democratic process. I do not believe that any democrat could support legislation such as this. It could only be supported by a group of people who claimed to be democrats but who wished to use the democratic process to further their own political motives. I believe the sole purpose of the Bill is to serve a political motive. The Government is trying to use the democratic process to entrench itself in power and destroy the Opposition.

The SPEAKER: Order! The honourable member for Eyre must not continue in that vein. We are dealing with the motion: "That this Bill be now read a third time". All that can be dealt with is the Bill as it came out of Committee: no extraneous matter can be discussed during the third reading debate.

Mr. GUNN: I do not wish to transgress your ruling, Mr. Speaker, but I believe that this Bill as it comes from Committee will have the effect to which I have referred. If one cannot discuss its effects, that reinforces my argument. I oppose the Bill at the third reading, and hope that it is never placed on the Statute Book.

Mr. COUMBE (Torrens): I will vote against the third reading. During debate I said that I was uneasy and had doubts about its wording and particularly about the vagueness and phraseology of its definitions. Nothing since then has convinced me otherwise or resolved my doubts. The Minister has done nothing to satisfy my doubts, and I believe that this Bill will affect every citizen in this State. Because I have sincere doubts and a real sense of uneasiness, I oppose the Bill.

Mr. EVANS (Fisher): I said that I would support the Bill so that it could be referred to a Select Committee, although I had doubts about the measure's terminology. I still believe it should have been referred to a Select Committee, because it is new legislation that will be on the Statute Book for all time. Perhaps we are trying to provide a cure that will be worse than the original disease. We must be conscious of freedom in our society today: it is not easy to retain or obtain freedom within a complex society, and perhaps the freedom of the news media may be affected by this legislation, should it be passed. I had hoped that the Bill would be referred to a Select Committee, which would comprise members of both Houses.

The SPEAKER: Order! There is nothing in the Bill about a Select Committee. The honourable member can speak to the Bill only as it came out of Committee.

Mr. EVANS: It may be referred to a Select Committee in another place. The cure frightens me, because there is time to investigate the situation more thoroughly by referring this Bill to a Select Committee.

Mr. BECKER (Hanson): I supported the Bill at the second reading stage, and opposed the appointment of a Select Committee.

The SPEAKER: Order! I have drawn the attention of honourable members to the fact that we are debating the motion "That this Bill be now read a third time". The only subject matter that can be discussed is the Bill as it came out of Committee. Nothing in the Bill refers to a Select Committee, and the discussion must be on the Bill as it is now printed and being dealt with by the House.

Mr. BECKER: Because I am not satisfied with the replies to the questions I asked in order to clarify details concerning what the Bill may do if it becomes law, I oppose it.

Mr. McANANEY (Heysen): I voted for the second reading of this Bill. I have heard the decisions announced by members of my Party, and I am rather bewildered as to whether or not I should support the third reading. We may be eliminating some problems but, at the same time, creating other problems. Perhaps this legislation should be given some chance and, if considered necessary, a Bill introduced setting out details of what the press is entitled to do, thus possibly overcoming the vagueness of the present Bill. However, I will support my colleagues, although I think they are making a mistake and will regret what they are doing.

The House divided on the third reading:

Ayes (19)—Messrs. Broomhill, Max Brown, and Burdon, Mrs. Byrne, Messrs. Crimes, Duncan, Groth, Harrison, Hudson, King (teller), Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Noes (14)—Messrs. Allen, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, McAnaney, Nankivell, and Russack.

Pairs—Ayes—Messrs. Corcoran, Dunstan, Hopgood, Jennings, Keneally, and Wright. Noes—Messrs. Arnold, Mathwin, Rodda, Tonkin, Venning, and Wardle.

Majority of 5 for the Ayes.

Third reading thus carried.

LICENSING ACT AMENDMENT BILL (HOURS)

In Committee.

(Continued from October 8. Page 1334.)

Clause 3—"Publican's licence."

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

In new paragraph (a) to strike out all words after "Day)" and insert "between the hours of five o'clock in the morning and ten o'clock in the evening".

The effect of the amendment will be seen by looking at the existing clause, which provides that the licence authorises the sale of liquor:

upon a Monday, Tuesday, Wednesday or Thursday (not being Christmas Day) for a continuous period (which must be the same for each day to which this paragraph applies) of not less than ten hours, approved by the court, commencing not earlier than five o'clock in the morning and ending not later than ten o'clock in the evening.

The effect of that would be, in each case, that the licensee would have to apply to the court to have his hours fixed. My attention has been drawn to the inconvenience involved, the problems it would create for the court and licensees, and, of course, the necessity for transition provisions. Licensees would not all have their applications granted in time to enable them to operate without interruption. The amendment, therefore, adopts a different scheme and provides that the licensee may trade on the days referred to between 5 o'clock in the morning and 10 o'clock in the evening. It does not provide either for a continuous period of 10 hours trading or for the approval of the court.

A subsequent amendment I will move obliges a licensee to trade for a continuous period of 11 hours, which is fixed as being from 11 a.m. to 10 p.m., subject to variations by the court. The overall effect of the amendments will be that, in the ordinary case, a publican must open his premises from 11 a.m. to 10 p.m. but that he may open them entirely at his own option between 5 a.m. and 11 a.m. A publican may also have the core period of 11 hours varied, but to do that he has to go to court. Before 11 a.m. it will be entirely optional and the publican can open his premises whenever he pleases and change the time from day to day if he chooses.

Mr. Evans: Each day can be different?

The Hon. L. J. KING: Yes. We have arrived at a balance. It has always been argued, and I agree with the argument, that the public should know when it can obtain its liquor requirements. On the other hand, there are periods of the day when it is convenient to the public in some circumstances for the publican's premises to be open. However, it would be an unreasonable burden to expect him to open always, whether or not there were any customers. We hold a balance by providing that, between 11 a.m. and 10 p.m., the publican is obliged to have his premises open whereas, prior to 11 a.m., he will open, no doubt, if there is trade to justify his opening.

The next amendment provides that on Friday and Saturday night the same attitude will be taken, and that as regards the period between 10 p.m. and 12 midnight it will be entirely a matter for the licensee himself to determine whether or not he remains open during those hours.

Mr. COUMBE: If a licensee wished to trade until 12 o'clock on a Friday or Saturday night, would he not be able to open until 2 o'clock in the afternoon?

The Hon. L. J. King: There's no maximum period.

Mr. COUMBE: That is what I wanted clarified, because there seemed to be ambiguity. A hardship could be created not only for the public who wished to go to the hotel early on a Saturday afternoon but also for the publican who had considerable trade on a Saturday morning or afternoon.

The Hon. L. J. KING: The maximum opening (the span of hours) that exists in the principal Act is deleted by these amendments, so there will be no maximum period of hours. That means that a publican can open from 5 a.m. until midnight on Friday and Saturday and from 5 a.m. to 10 p.m. on other nights if he so desires.

Mr. Coumbe: What about Sundays?

The Hon. L. J. KING: There is no provision for Sunday trading. Under the existing Act, the maximum number of hours that he may open is 13, and that has been taken out by this amendment.

Amendment carried.

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

In new paragraph *(ab)* to strike out all words after "Day)" and insert "between the hours of five o'clock in the morning and 12 o'clock midnight".

This is a similar amendment, providing that a licensee may open between 5 a.m. and 12 midnight on Friday night and Saturday night.

Amendment carried.

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

In paragraph *(d)* to strike out subsection (3) and insert the following new subsection:

(3) The court may, upon the grant or renewal of a full publican's licence, having regard to the needs of the public, exempt the holder of the licence from the obligation under section 168 of this Act to supply lodging and, while such an exemption is in force, a *bona fide* lodger upon the licensed premises shall not be an excepted person for the purposes of section 158 of this Act.

This relates to what I will call for convenience a tavern licence. I think the member for Torrens raised the point (and the Australian Hotels Association has taken the same view) that there should be an obligation on a licensee of a tavern to provide meals. The Bill originally would have enabled the court to dispense not only with the obligation to provide lodgings but also with the obligation to provide meals. The association was not really pleased about this: it considered that the publican's licence should always carry the obligation to provide meals.

Initially, I was inclined to leave the whole matter to the discretion of the court, but there seemed to be some fears (and at least one member expressed them here) that this type of licence might lead to a sort of milk-bar dispensing of liquor at some small counter in a basement or something like that. The obligation to provide meals seemed to assure people that taverns would not be that kind of establishment. I should have hoped that the Licensing Court would take action against what I have mentioned. I cannot imagine a publican being exempted by the court from the obligation to provide meals anyway. Nevertheless, I am satisfied that we should simply confine the power of the court to the power of exemption from the obligation to provide lodgings.

Amendment carried.

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

In paragraph *(e)*, in new subsection (5), to strike out all words after "liquor" first occurring and insert:

on every day (except Sunday, Christmas Day and Good Friday)—

(a) between the hours of eleven o'clock in the morning and ten o'clock in the evening;

or

(b) for some other continuous period of not less than eleven hours fixed by the court (within the limits fixed by paragraphs *(a)* and *(ab)* of subsection (1) of this section) upon the application of the holder of the licence,

and, if he fails to do so, he shall be guilty of an offence.

The effect of the amendment is that a publican must open between 11 a.m. and 10 p.m., but the holder of the licence may apply to the court for a continuous period of 11 hours obligatory opening during some other times, but always between 5 a.m. and 10 p.m. The period contemplated here is 11 hours, not 10 hours. There was much discussion about this matter. The Australian Hotels Association, having consulted several of its members, considered it desirable to have an obligatory period of 11 hours from 11 a.m. to 10 p.m., as it considered that a shorter period might cause resentment and difficulties. In addition, the Liquor Trades Employees Union considered that its members might be affected adversely because some of them had come to rely on overtime for an hour or an hour and a half as a matter of course.

The union had discussions with the association and the two bodies agreed that their interests would be satisfied if a period of 11 hours obligatory opening was provided for. There is an argument for this, I think, on general grounds, too. Perhaps it is desirable that the public should know that the publicans' outlets are open at 11 o'clock on Saturday morning. There is certainly some demand for bar facilities at 11 o'clock on Saturday morning and perhaps on some other days. It is not a major matter, but I considered that, when the two bodies that had the principal economic interest in the industry agreed, the Government ought to accede to their request.

Amendment carried; clause as amended passed.

New clause 3a—"Wholesale storekeeper's licence."

The Hon. L. J. KING: I move to insert the following new clause:

3a. Section 21 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

This new clause relates to the sale of liquor by wholesale storekeepers. The Bill originally extended the time for the sale of liquor by brewers from 6 p.m. to 8 p.m. Other wholesalers were quick to point out that they were not mentioned in the proposal and that they ought to be placed on the same basis as the brewers. My advisers can think of no argument against it, and I cannot see why those other wholesalers should not have the same advantage.

New clause inserted.

Clauses 4 and 5 passed.

New clause 5a—"Distiller's storekeeper's licence."

The Hon. L. J. KING: I move to insert the following new clause:

5a. Section 25 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

This extends the hours of trading in respect of a distiller's storekeeper's licence from 6 p.m. to 8 p.m.

New clause inserted.

New clause 5b—"Vigneron's licence."

The Hon. L. J. KING: I move to insert the following new clause:

5b. Section 26 of the principal Act is amended by striking out from subsection (1) the passage "six o'clock in the evening" and inserting in lieu thereof the passage "eight o'clock in the evening".

This makes the same provisions with regard to vignerons' licences.

New clause inserted.

Clause 6—"Club licence."

Mr. McRAE: This clause causes me much worry. It is difficult to know what is the right thing to do. I have listened to the argument put by the Attorney-General and, knowing his experience in this area, I do not lightly discard it. On the other hand, the preservation of employment in hotels on a regular basis is important, as is the preservation of services to the public in hotels. As against that, the impact that the Bill will have on licensed clubs in the future seems to me to be great, especially when in the same legislation we require clubs to obtain a full licence after they reach a certain turnover. Formidable arguments can be advanced for and against the implications of this clause. Notwithstanding what the Attorney-General has said, I wonder whether we are going to resurrect an evil that was eliminated by the introduction of the first Licensing Act by the Dunstan Government in 1967, in that we are now going to have two classes of fully licensed club, some of which will, virtually as of right under the original legislation, be able to purchase liquor supplies direct from the brewery and others of which, under the new amendments, will have a severe onus placed on them to demonstrate to the court that they have that right.

This differentiation of clubs and various premises was one of the evils of the old legislation. Whilst I accept what the Attorney-General says about the need for orderly and planned facilities for the public, and can understand that a proliferation of club licences to the detriment of the hotel trade and industry can react most unfavourably against the public, I am not fully convinced that all hotels have improved the standards that they offer the public. I suspect that it is where there is direct competition between clubs and hotels that the improvement has occurred. I know of many hotels where the standard is anything but good, and there does not appear to be much of a determination on the part of the licensees to improve the situation. If clubs in the future are required to purchase their supplies through the same hotels, perhaps something may be done to improve standards. I do not believe it is necessarily true to argue that by granting a fair amount of freedom to fully licensed clubs we necessarily end up with what might be termed the bloodhouse sort of hotel found in some capital cities. I think it should be possible to strike a harmonious balance between the fully licensed club, the permit club and the hotel.

I am concerned about the impact the fully licensed club using volunteer labour is having on people who have their livelihood in the liquor industry. That is one of my major concerns. In considering the amendments moved by the Attorney-General, giving the greatest respect to what he has said and also hearing the opposite views, I believe the problem goes much deeper than would at first appear. I am staggered to learn that we have 800 permit clubs, and I am staggered also to find the differentiation between those permit clubs. Some of them are so small that they may sell only a few dozen bottles of beer a week, and others are close to being large enough to be required to apply for a full licence. Of those 800, I suppose 500 or 600 might be in the small category and the balance in the middle-to-large category.

I wonder whether the three-tier system we have at the moment is going to cope with the future situation. I wonder whether we ought to have one set of provisions for the small permit club (which was the original intention of the Act), another set of provisions for the larger permit club, another for the fully licensed clubs and then another for hotels. After serious thought and balancing up the factors for and against, I have come to the

conclusion that there ought to be, for everyone's benefit, an investigation into the current situation before we pass this clause.

I have mentioned the differentiation which occurred between establishments and which we tried to eliminate in 1967. I am also worried that many of the clubs might point their finger at this Parliament and say, "By your own legislation, you say that once we have a turnover of $25 000 we must obtain a full licence and be subject to the various conditions imposed by the Licensing Court, and to what Their Honours decide as being required: but, on the strength of our trade, we must purchase our liquor from the local hotel." The local hotel will have the handy arrangement, in some cases, of a voluminous quantity of sales, with little effort except delivery. On balance, therefore, I oppose the clause.

The Hon. L. J. KING: I think the difficulty that the member for Playford foresees in this matter is not a real difficulty when examined. The fact is that, under the present system, we have a three-tier club system, and that is what he argues for. We have, first of all, the permit club, which was designed in the 1967 Act to provide for the small club, whose use of liquor is strictly ancillary to its main purpose. It may be a bowls club, which might have liquor in the course of its activities. Where it involves a social club, whose emphasis tends to shift towards the social side and the consumption of liquor, the intention of the 1967 Act was that it obtain a licence, and that that licence be made conditional on the liquor being purchased from a licensed retailer.

Beyond that was the licensed club, which was entitled to purchase wholesale, that category being intended to cater for the licensed club which did not attract custom from any particular retailer. I have particularly in mind ethnic clubs and city clubs, the members of which are not drawn from a certain locality but, rather, come in from the whole metropolitan area and which, therefore, do not affect the trade of any particular retailer. That was the three-tier system contemplated by the 1967 Act. Indeed, the provision introduced in the 1972 Act, which I introduced, required a club to apply for a licence if it attained a turnover of $15 000. That provision was designed to cope with the problem the member for Playford highlighted and to ensure that the permit club licence was confined to the clubs which used liquor only in a small way and as ancillary to their principal purpose.

This three-tier system of the strict permit club was confined (and ought to be confined) to the small clubs, whose licence is subject to the condition that the purchase of liquor be made from a retailer; and the licence where the purchase may be made wholesale is built into the 1967 Act. The only purpose of this amendment is to cater for the problems arising where the Licensing Court has not known what to do about permit clubs that apply for a licence: what criteria ought to be applied in order to determine whether the condition of purchase from a retailer should be applied. The purpose of this clause is to give the court the guidelines it has lacked and to say what is the obvious intention of the 1967 Act: where there are no special circumstances, the condition of purchase from a retailer should continue, because the permit club is purchasing from the retailer.

The fact that it obtains a licence if that condition is removed changes the trading pattern. This is quite central to the intention of the 1967 Act, because the situation prior to that Act was that there were only a few licensed clubs, and the whole idea behind the 1967 Act was to free up the position. It was to cater for the evident public demand for greater club facilities, but to do it in a way that would not destroy the public liquor facilities required by the public, namely, hotels. Parliament was in this position in 1967: if it was going to allow a proliferation of club licences, it had to do something, ensuring that that did not destroy the hotel trade. The course it took was to provide the power for the court to impose a condition that the liquor be purchased from a retailer. This was a wise provision, because it has enabled the court to be free in the granting of club licences and to be flexible regarding the hours of clubs. It has not meant that, every time a club licence is granted, that amount of trade is automatically drawn from the retail liquor industry with consequent harm to the public in the loss of retail facilities.

What we seek to provide in the amendment is that, where a permit club becomes a licensed club, the court shall impose the condition of purchase from a retailer, thus maintaining the *status quo,* because the permit club is obliged to purchase from a retailer, anyway. It requires the court to maintain the *status quo,* unless the club licensee can prove that it is unreasonable that such a condition should be imposed. We could get a situation where a permit club had grown, changed its character, and it was no longer reasonable that it should be required to purchase from a retailer. It also provides that the court shall not revoke that condition: unless the licensee proves that it is unreasonable, it should continue in force. That could happen, because there could be changed circumstances in the hotel trade. For instance, the hotel from which the club was accustomed to buying its supplies might have ceased to exist.

Really, this clause is simply continuing the policy of the 1967 Act: it does not introduce any new policy, but gives the court the guidance it has lacked in knowing what it ought to do about permit clubs that are now changing over to licensed clubs. It indicates expressly in the Statute what I believe was implicit in the 1967 Act, anyway: that it was the intention of Parliament that, should club licences proliferate, they should be subject to the condition of purchase from a retailer unless special circumstances applied. I ask the Committee to support this important clause, because it is our duty to tell the court what we really mean in this regard. Do we mean that the court should allow a proliferation of club licences where the licensees purchase wholesale? Are we prepared to take the consequences to the retail liquor trade which that involves, or do we mean that we should encourage the court to allow a proliferation of licences but with this the in-built protection to the retail liquor trade? It is our responsibility to say something about this matter. To reject the clause and leave the court in its present situation, without any declaration of policy from Parliament, would be an unfortunate outcome.

Mr. COUMBE: We get different opinions from lawyers, and today we have seen a good example of that. Both opinions have been expressed sincerely, but I am going to come down on the side of our Chief Law Officer of the State, the Attorney-General. I said in my second reading speech that, in my opinion, two things should apply. The court itself, as a matter of principle, needs direction in this regard. We are dealing here with licensed clubs, which may have gone from a permit to a licence. As I understand it, clubs will continue to operate, under this legislation, as they have operated in the past. I believe that the courts need a direction in this case.

As I have said before, I believe that only in extraordinary circumstances should clubs be able to get their supplies from other than retail outlets in the local community. It is absolutely essential for the present practice

to continue if the licensee of a hotel is to be able to provide services. We must remember that hotels operate for many hours when licensed clubs are not required to operate. In country towns, unless the clubs bought their liquor supplies from the hotel, real hardship could occur for the licensee. I am President of a club in my district and, within a radius of about 100 m, there are three hotels. As the club draws customers away from the hotels, they should have some recompense by having the club's supplies bought from them. If a licensee is not protected, he may not be able to provide the service that the community desires. The member for Playford referred to the standard of hotels. Unless the present practice continues of clubs getting supplies from hotels, the hotels will not have the funds to improve facilities. I support the clause.

Mr. McRAE: I point out that no-one should be misled by the proviso stating that, unless a licensee proves it is unreasonable, the conditions set out should be imposed or should continue in force. What the Attorney-General said is correct, as a matter of law. However, what will happen is that the A.H.A. will tackle with a legal barrage each of the ethnic groups or city clubs involved. The member for Torrens should realise that, although there is provision for action by these groups, to take such action they would need money to take on the A.H.A. and the hotel trade, including the brewing company.

Mr. Becker: That's theory.

Mr. McRAE: I am talking about practice. As it has done in the past, the A.H.A. will lodge objections, and will ensure that the burden of proof is placed on the club concerned. If this provision is passed, within two or three years all members of the House will have approaches from ethnic groups which have formed themselves into clubs and which will complain that, although they have a good case, they do not have enough money to tackle the objections of the local hotel, backed by the A.H.A. and the skilful lawyers that have been retained.

Mr. EVANS: I agree with the member for Playford to some degree. The A.H.A. has sufficient monetary power behind it to make use of the courts and win cases for its own members. However, I do not know that the prediction of the member for Playford will come true and that we will have these complaints within two years. I hope that the A.H.A. will heed the warning of the member for Playford and others that, if the previous practice continues, Parliamentarians will have a duty to do something about it. I believe in the free enterprise system. However, if one group takes advantage of Statutes to benefit itself to the detriment of others, politicians must change the legislation. A monopoly situation is close to a Communist situation, and both situations frighten me. If the warning of the member for Playford is not heeded, I may vote differently in future from the way I may vote today.

Reference has been made to licensed clubs and hotels obtaining liquor from wholesale outlets. Am I correct in thinking that the tax, which is 6 per cent at present, is paid only by a hotel or by a licensed club that has an opportunity, because of previous practice, to obtain its alcohol from wholesale premises? Am I correct in thinking that the permit club does not pay the 6 per cent tax?

The Hon. L. J. KING: Yes. The *ad valorem* tax is paid only by those who purchase from the wholesaler.

Clause passed.

New clause 6a—"Objections to removal of licence."

The Hon. L. J. KING: I move to insert the following new clause:

6a. Section 57 of the principal Act is amended by inserting after paragraph *(a)* of subsection (1) the following paragraph:

(ab) that the needs of the public that are being, or are capable of being, met at the premises to which the licence presently relates would be unduly prejudiced by the removal of the licence;

This new clause relates to section 57, which sets out the objections that may be made to the removal of a licence. One of the objections is that the licensing of the premises to which it is proposed to remove the licence is not required for the accommodation of the public. In other words, it is a ground of objection that the licence is not needed in the place to which it is proposed to remove it, but the Act ignores the interest of the people in the locality in which the licensed premises are situated. The applicant can get the licence only by demonstrating a need for it in the locality in which he needs the licence. It is odd that the Act, having granted a licence in one area, ignores the needs of the area when the question of transfer arises. The member for Chaffey drew attention to this matter, and I agree with his point. It had never previously been brought to my attention.

New clause inserted.

Clauses 7 and 8 passed.

New clause 8a—"Club permits."

The Hon. L. J. KING: I move to insert the following new clause:

8a. Section 67 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "fifty dollars" and inserting in lieu thereof the passage "two hundred dollars";

and

(b) by striking out from subsection (11) the passage "fifteen thousand dollars" and inserting in lieu thereof the passage "twenty-five thousand dollars".

This new clause arises out of complaints made by permit clubs, sometimes through members of Parliament and sometimes direct to me, that they are obliged by the limit of $15 000 to apply for a licence when they do not want to apply for one; this has been a fairly consistent complaint. I have taken the view that the permit should be confined to smaller clubs and that there should be a fairly strict limit. However, I acknowledge that, since the limit of $15 000 was fixed in 1972, there have been substantial increases in the price of liquor. As a result, the same volume of liquor sold then for $15 000 would probably produce $25 000 now. So, the increase proposed probably only takes into account, roughly speaking, the inflationary trend. I therefore think there is a case for conceding that the figure at which a permit club is obliged to apply for a licence should be lifted from $15 000 to $25 000. A club may apply for a licence even though the turnover is less than $25 000. It is not a question of eligibility for a licence: it is rather a question of non-eligibility for a permit after reaching the figure. A case can therefore be made for increasing the figure to $25 000.

The increase in the fee from $50 to $200 is partly a reflection of the inflationary trend and of the fee increases that have occurred in all sorts of area as a result of that trend; further, it is partly a reflection of the increase in the limit of the permit club. Paragraph *(a)* of the new clause simply increases the discretion of the court: it does not fix the fee at $200. The court will fix a fee in accordance with the size and turnover of the club. If a permit club has a turnover approaching $25 000, it is not unreasonable to ask for a fee of about $200.

Mr. SLATER: I move:

In paragraph *(a)* to strike out '"two hundred dollars"' and insert '"one hundred dollars"'.

Some small permit clubs operate on a smaller turnover than the amount allowed at present, $15 000, and we must realise that it is proposed to increase that figure to $25 000. Each year these clubs have to obtain a permit, and the new clause provides that the maximum fee that can be charged by the court will be $200. The new clause gives a discretion to the court, but I think it would be fair and reasonable that the small permit club should pay a maximum fee of $100, which is a 100 per cent increase on the present amount. In many small social clubs and lodges, liquor is only ancillary to the general functioning of the club.

The Hon. L. J. KING: I agree that a small club selling a small quantity of liquor ancillary to other activities should not be charged $200. In practice the court fixes fees in the permitted range so that a club with a low turnover would pay the lower fee, while the club with a high turnover would pay a higher fee. Nothing in the Act requires the court to charge $200 to any club with a small turnover: quite the reverse. No-one gains pleasure from imposing higher charges, but everyone has to carry a fair share of the burden.

Mr. EVANS: I support the honourable member's amendment. I am President of a small club that pays a fee of $50, although the turnover is no more, and possibly less, than $8 000, and I query how that fee is arrived at. Perhaps the court considers the total membership. Does the Government intend to tie the fee on a pro rata rate to the turnover? Perhaps Parliament should provide that, on a $5 000 turnover, the fee should be $25, and on a $10 000 turnover, it should be $35, and so on. Will the Attorney-General ascertain for me the number of clubs with permits, their turnover, and the amount they are charged for their permit?

The Hon. L. J. KING: I did not intend to say (if I did) that the only factor considered was turnover: that was the relevant point in replying to the member for Gilles. Turnover would be a major factor considered by the court when fixing a fee, but hours of trading and membership would play a part. It would be possible for Parliament to provide for fees based on turnover and nothing else, and fix a scale, but that was not done in the 1967 Act. It was considered better to leave a discretion with the court to consider the overall circumstances of the clubs. From my experience, many clubs have paid only the $5 minimum fee, particularly those with a small turnover and meeting only once a month. I do not know how many permit clubs would pay the minimum fee. The member for Fisher's suggestion can be investigated, but we should accept the basis of the 1967 Act at present.

Mr. ARNOLD: I support the amendment of the member for Gilles. I have knowledge of the Lake Bonney Yacht Club, which caters for many young people of eight years of age or older. We maintain club facilities, but the number of adult members is small, and it is a continual financial struggle to maintain such an organisation. The situation may be different in clubs with many adult members who use all the club's facilities, including liquor facilities. The maximum turnover, under this Bill, is being increased from $15 000 to $25 000, but, by increasing the maximum fee to $200, the ratio is not being properly maintained. I can foresee major increases for small clubs that could ill afford to pay out the money. The running of many such clubs is on an entirely voluntary basis. I ask the Attorney to consider the amendment further.

Mr. DUNCAN: I support the amendment of the member for Gilles. Although the Attorney is quite correct in general that the courts apply this section on a sliding scale according to various criteria, the basic reason for the fee is to cover the administrative costs of the court in checking annual returns of permit clubs, and so on. In view of that, $100 would seem to be a sufficient increase. The clubs purchase their liquor from licensed hotels. According to the amount of turnover, the hotels pay increased licence fees, so the Government gets a bite at the cherry. If the club has a large turnover the Government gets a return through the licence fee paid by the hotel.

Mr. BECKER: I support the amendment moved by the member for Gilles. Many small clubs serve a useful purpose in the community, and a fee of $100 would be ample for them to pay. Although the fee has not been increased since 1967, we are not aware of the formula used in calculating the fee. I would err on the side of caution in making the maximum $100. That would be the best way to assist the small clubs.

Mr. SLATER: It is true that the permit fee is fixed at the discretion of the court and, with due respect, I suppose the court over the years has exercised its discretion fairly consistently and well. In the case of a club now paying the maximum of $50, the court will certainly determine the fee at the maximum under the amendment, which is $200. Even though we have increased the turnover allowed, the club is obliged to obtain a licence, and the increase from $50 to $100 is 100 per cent. That is fair and reasonable. Many clubs in the middle range obviously will have their fees increased. The court can use various criteria, such as turnover, membership, and so on. I ask the Committee to support my amendment.

Amendment carried.

Mr. BECKER: I support the provision for the increase in the amount of turnover from $15 000 to $25 000 before a permit club can apply for a full club licence. In the present economic situation, $15 000 is unreasonable; it is about $300 a week. I have in mind one club in my area. It has 70 members and is open for only a few hours a week, but it will have no difficulty in achieving that turnover. At present, the club can be forced to apply for a full club licence, which would not be economic. Many permit clubs have had to increase their fees and they are fearful of reaching a turnover of $15 000, so $25 000 is not unrealistic.

New clause as amended inserted.

New clause 8b—"Permit for supply of liquor for consumption at club."

Mr. BECKER: I move to insert the following new clause:

8b. Section 67 of the principal Act is amended by striking out from subsection (3) the passage "one visitor" and inserting in lieu thereof the passage "five visitors".

The situation has arisen, especially with bowling clubs, where not all members wish to take visitors into licensed premises. This has caused difficulty, and sometimes embarrassment. Now that the turnover figure of permit clubs has been increased, I can see no great harm in a member being allowed to take in up to five visitors, in the same way as in a licensed club.

Mr. EVANS: I do not support the amendment. The basis of a sporting club is sport, and players going to the grounds can enter the club as associate members. I accept the Attorney's reference to three tiers of clubs. I move around amongst permit clubs and do not see any big problem at present as regards visitors.

Mr. SLATER: I do not support the amendment. I know that clubs with which I am associated do not favour an extension to cater for more visitors. Such an increase in the number could have the effect of opening a club to the public. There must be a difference between a real club licence, where five members can be admitted, and other types of club. As a visitor to clubs has told me, the obvious thing to do is become a member.

The Hon. L. J. KING: I also oppose the amendment, and it should be rejected because of the importance of maintaining the distinction between the permit club and the licensed club. The policy of the Act is to confine the permit club to a club with a small turnover, where liquor is supplied ancillary to the principal purpose of the club. As a club moves towards being a social club and the turnover increases, it is important that it should obtain a licence and be subject to the controls.

The provision for an informal type of club which was included in the 1967 Act was an innovation and many people feared its consequences. If we are to retain the authority that the permit is, it is important to confine such a permit to a small club. If we allowed a club member to bring five persons in, we would really have all the aspects of a social club, and such a club should be subject to the controls, supervision and standards of a club licence. Obviously, at times the restriction causes inconvenience, but the purpose served by restricting the number of visitors to one to each member is far too important to be ignored.

The member for Hanson has said that, because of the increased turnover from $15 000 to $25 000, we ought to do as he suggests. However, I view the matter the other way. I think the increase from $15 000 to $25 000 is justified because of the increased price of liquor, but that is rather a reason for maintaining the existing restriction. Permits are informal authorities and do not carry the type of supervision that we expect with liquor outlets.

Mr. GOLDSWORTHY: I oppose the amendment. I am a member of both types of club. One is a golf club, and the permit is ancillary to the main purpose of that club.

Amendment negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.28 p.m. the House adjourned until Tuesday, October 29, at 2 p.m.