HOUSE OF ASSEMBLY

Tuesday, November 19, 1974

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

DEATH OF HON. L. H. DENSLEY

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the House express its deep regret at the recent death of the Hon. Leslie Harold Densley, former President of the Legislative Council and member for Southern District in that House, and place on record its appreciation of his public services; and that, as a mark of respect to the memory of the deceased gentleman, the sitting of the House be suspended until the ringing of the bells.

Mr. Densley was a representative of the Southern District in the Council from 1944 to 1967, and was President from 1962 to 1967. He was Liberal and Country League Whip from 1945 to 1960, and Chairman and Leader of the L.C.L. Party in the Council from 1960 to 1961. He was a member of the Industries Development Committee from 1951 to 1964, and was Chairman for about five years. He was Chairman of the decentralisation committee from 1962 to 1963, and a member of the Council of the University of Adelaide from 1953 to 1965. Before becoming a member of Parliament, he was a farmer and grazier for 40 years, and served the District Council of Tatiara as a councillor for 20 years and as Chairman for five years. It is appropriate that we place on record the House's appreciation of his outstanding public service, and extend to his relatives the sincere sympathy of honourable members.

Dr. EASTICK (Leader of the Opposition): I support the motion that records the lamented death of the Hon. Leslie Harold Densley. He was a person who is well remembered by members of this Party and one who was highly respected, and his real worth was shown in the activities he undertook in respect of decentralisation. It is with extreme regret that I support such a motion, which I do with all sincerity.

The SPEAKER: I ask honourable members to rise in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.4 to 2.12 p.m.]

PUBLIC WORKS COMMITTEE REPORTS

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

Camden Primary School—Replacement,
Coromandel Valley South Primary School.

Ordered that reports be printed.

PETITION: COUNCIL BOUNDARIES

Mrs. BYRNE presented a petition signed by 47 persons stating that they were dissatisfied with the first report of the Royal Commission into Local Government Areas, and praying that the House of Assembly would not bring about any change or alteration of boundaries.

Petition received.

QUESTIONS

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

VALUATIONS

In reply to Mr. VENNING (October 24).

The Hon. HUGH HUDSON: A scheme to equalise valuations for the assessment of land tax from July 1, 1975, is now being examined, and the Government hopes to have a report on this matter soon. The wider approach for rural areas suggested by the honourable member forms one of the considerations of that examination.

SUPERPHOSPHATE BOUNTY

In reply to Mr. RODDA (October 2).

The Hon. D. A. DUNSTAN: The Minister of Agriculture states that the average expenditure by farmers on superphosphate for the previous four years in South Australia was $830. At a cost to farmers of $15 a tonne, this meant that the "average" farm used 55 tonnes. The honourable member will know that this fertilizer provides the necessary phosphorus for cereal production, and also helps maintain the extensive medic and clover pastures which, in turn, provide nitrogen for the cropping cycle. Since these medics and clovers make it unnecessary to purchase nitrogenous fertilizers, which would normally be used to maintain the present level of cereal and pasture production, it is estimated that $150 000 000 is saved annually.

From January, 1975, the price of superphosphate will be $45 a tonne. To maintain "average" applications, the "average" farmer's outlay will increase to $2 475. It is most unlikely that these applications will be maintained, and it is reasonable to surmise that superphosphate usage will drop by about 30 per cent. The results of long-term trials indicate that, in substantial areas of the South Australian wheat belt, such fertiliser reductions will immediately reduce average cereal yields by about 4 bushels an acre (260 kg/ha). If South Australia experiences an average season in 1975, this will mean a loss to the State in excess of $30 000 000 from cereals alone. Any reduction in superphosphate use will also seriously reduce the productivity of pastures.

The Minister has already made several statements regarding the retention of a limited bounty since the Australian Government first announced that it was going to phase out the subsidy in 1975. He has followed up his announcements on this matter by writing to the Australian Minister for Agriculture (Senator Wriedt) and the subcommittee of Federal Caucus explaining his views on the matter. Examples of a limited phosphate bounty, which would not only reduce the overall cost of the subsidy but also would spread the bounty much more evenly amongst producers throughout Australia, were included with his submissions. I sincerely hope that, in the interests of this State and its primary producers, these submissions will receive full consideration in Canberra.

PRIMARY INDUSTRIES

In reply to Mr. RODDA (October 29).

The Hon. D. A. DUNSTAN: As indicated by the Attorney-General, the Government is conscious of the considerable difficulties confronting the rural industry. The study suggested by the honourable member could adequately be dealt with by the staff of the Agriculture Department. It is my policy that, where any department requires assistance of a tariff, economic or industry matter, it only has to ask for assistance. Examples of such assistance include the recent wine industry inquiry, and the investigations into the availability of shipping for the citrus industry.

LAND VALUATION

In reply to Mr. CHAPMAN (October 29).

The Hon. HUGH HUDSON: The honourable member states that the State Valuation Department is failing properly to assess all improvements when determining unimproved land values. According to the Valuation of Land Act, unimproved value means the capital amount that an unencumbered estate of fee simple in the land might reasonably be expected to realise upon sale, assuming that any improvements thereon had not been made. The valuer must therefore have regard to the Privy Council decision in the case *Toohey's Ltd. v. The Valuer General,* where their Lordships stated:

Now what the valuer has to do is to consider what the land would fetch as at the date of the valuation if the improvements had not been made. Words could scarcely be clearer to show that the improvements were to be left entirely out of view. They are to be taken not only as non-existent but as if they never existed. It is therefore, to approach the question from a completely wrong point of view to begin with a valuation which takes in the improvements and then proceeds by means of substraction of a sum arrived at by an independent valuation in order to find the required figure. What the Act requires is really quite simple. Here is a plot of land, assume there is nothing on it in the way of improvements what would it fetch on the market?

The Valuation of Land Act goes on to describe improvements as houses, buildings, fixtures and other building improvements of any kind whatsoever, fences, bridges, roads, tanks, wells, dams, fruit trees, bushes, shrubs and other plants planted or sown, whether for trade or other purposes, draining of land, ringbarking, clearing of timber or scrub and any other actual improvements. Secondly, the honourable member states that the officers of the State Valuation Department lack an appreciation of the value of the fostered and cultivated element of certain natural resources in country areas of the State.

The High Court of Australia has ruled that growing timber is part of the unimproved value. The judges of the High Court held, in deciding this issue in *Beaudesert Shire Council* v. *James Campbell & Sons Ltd.,* 11 CLLR 53, that:

The true valuation is the amount which a purchaser might reasonably by expected to give for the land with the timber growing upon it having regard to the use to which such land—including the timber growing upon it—might be put.

Quoting Griffith, C. J., who said:

It is not and cannot be disputed, that this timber is part of the land on which it is growing, and on the authorities such growing timber is one of its characteristics that go to make up its quality. It is an inherent quality of the thing itself and therefore part of it.

Thirdly, the honourable member states that the officers of the State Valuation Department are destroying the incentive of landholders to promote the natural environment, thereby conflicting with the objectives of the Environment and Conservation Department, in their attempts to grasp more land tax and other taxes. The honourable member would do well to study the Valuation of Land Act, and find out what is the function of the Valuer-General. He would discover that the Valuer-General's function is to make valuations for rating and taxing purposes but, in so doing, he is not concerned with the effect his valuations have upon the revenue needs of the State; that is the responsibility of the revenue authorities. He would also discover that it is not the function of the Valuer-General to fix his unimproved values in such manner as would have the effect of relieving landowners of their lawful obligation to pay land tax. If he did so be would be acting unlawfully and improperly.

The law is quite clear that, in making his valuations of unimproved values under the Valuation of Land Act, the Valuer-General must base them upon the highest and best or most profitable use or potential use of the land. There are numerous court rulings on this requirement, as follows: *Queen* v. *Brown* (1867); *C. A. McDonald v. S.A.R. Commissioner* (1911) 12 CLR 221; *Gunson v. M.T.T.* (1927) SASR 276; *Lobb v. Valuer-General* (1936) 12 LGR 139; and *Spicer v. Valuer-General* (1963) 10 LGRA 319 at p. 320. The subject land referred to by the honourable member comprised portions of section 143, 144, 145 and block T., hundred of Haines 461.5 hectares owned by Mr. E. G. Buck. The honourable member quite rightly points out that the land was not worth much as regards its potential for agriculture. However, he further tells how the land was recently subdivided into 32-hectare allotments for sale to conservationists. He fails in his statement to inform the House of the prices at which these allotments are being sold in their reverted natural unimproved state, and how these prices are providing the owner with a considerable capital gain from his land in its subdivided state.

Again, the Privy Council has given a ruling on this aspect of valuing land. In the case *Raja Vyricherla Narayana Gajapatirajua* v. *The Revenue Division Officer,* Vizagapatam (1939), it was held by their Lordships that where land has unusual features or potentialities the valuer must determine as best he can from the information available the price a willing purchaser would pay for the land with those features or potentialities. The conservationists mentioned by the honourable member have undoubtedly been willing purchasers of these allotments, and at the following prices:

Allotment	Area in hectares	Listed price $	Sale price $	Current assessed unimproved value $
A	32.37	9 950	10 950	4 860
E	32.37	6 950	7 950	3 240
F	32.37	7 950	7 950	3 240
G	32.37	6 950	6 950	3 240
H	32.37	4 950	4 950	2 270
K	32.58	14 000	13 250	9 770
L.	32.58	14 000	13 250	9 770
M	35.61	5 950	5 500	2 850
N	35.61	4 950	4 950	2 850
O	35.61	7 950	7 450	2 850

Lots B, C, J, priced at $9 950 each, and D, $8 950, are the remaining allotments for sale in the subdivision. The total amount already received for the sold lots is $83 150, and the total of the listings for the remainder is $38 800, which altogether equals $121 950, almost 10 times what was paid for it in 1970. Mr. Buck purchased the land in 1970 for $12 400. The unimproved value of the remaining lots, as made by the Valuer-General's officers at $15 070, must be considered very conservative a figure in view of the above selling prices obtained by Mr. Buck on his resale of the land in allotment form.

It is very evident that officers of the State Valuation Department did not fail to properly determine the unimproved value of the subject land, and that they would have acted unlawfully and irresponsibly if they had disregarded its most profitable changed use in assessing that value. In implying that these officers have failed in their duty, the honourable member, it seems, is endeavouring to obtain relief for Mr. Buck and others from meeting their statutory obligation to pay the land tax, which is lawfully due to the State from them, while at the same time they are not to be denied the benefit of making a very substantial capital gain from the sale of their land for another more profitable use.

NOXIOUS WEEDS

In reply to Mr. ALLEN (October 17).

The Hon. HUGH HUDSON: The Minister of Agriculture advises that grants allocated to councils in 1974-75 for noxious weed control on unoccupied Crown lands have been insufficient to meet council estimates for this work. The funds distributed to councils were reduced accordingly, taking into account such factors as the need to continue with existing programmes, and priority to extend such works. After budgeting for the payment of subsidies on weeds officers' salaries, the remaining finance was 30 per cent less than the total estimate submitted by councils for work to be done on unoccupied Crown lands and half roadsides adjoining. This amount, however, represented an 8 per cent increase on 1973-74 payments.

Most councils commence noxious weed control work after the break of the season. The amount finally allocated to them for this purpose cannot be determined until after the Budget has been passed by Parliament. In "short" season areas this is far too late, unless a council is prepared to risk over-spending and carrying the additional cost. Such an arrangement is, of course, unsatisfactory from a council's point of view. My colleague states that both the Weeds Advisory Committee and weeds officers of the Agriculture Department are aware of this problem. However, it is intended that the proposed Pest Plants Act will contain provision for the financial period of pest plant control boards to commence on January 1 of each year. It is also intended that funds for the control of weeds be made available to the boards on that date. The adoption of these proposals would resolve the present difficulty.

MOONTA AREA WATER SUPPLY

In reply to Mr. RUSSACK (October 29).

The Hon. HUGH HUDSON: Supplies in the hundred of Tickera have been examined, and a scheme for upgrading the system has been approved. Work is scheduled to commence late this financial year. A comprehensive examination of supplies in the Moonta, Moonta Mines, and Wallaroo areas has been completed, and an intended scheme for upgrading supplies throughout the whole area, including Kadina, has been prepared. This scheme is now being examined in detail before estimates of cost are undertaken. No improvement can be expected this summer.

MILK

In reply to Mr. DUNCAN (October 23).

The Hon. HUGH HUDSON: I have been advised by the Minister of Agriculture that, in keeping with a general trend towards the sale of milk in cartons, most supermarkets and some delicatessens in the Elizabeth area stock only cartoned milk. Since its introduction some five years ago the sale of milk in cartons has steadily increased, and this development can be attributed to several factors, including the increase in the number of supermarkets, the growing preference by many consumers for goods packed in disposable containers, and the increasing number of working mothers who purchase their milk on the way home from work. To date, there are no clear indications that the six-day delivery week has accelerated the increase in sales of cartoned milk to shops. The conversion to metric containers has been carried out by one treatment plant, Metropolitan Milk Co-operative Limited. However, this applies to their cartoned milk only, and the company does not vend white milk to shops in the Elizabeth area.

The recent amendments to the Metropolitan Milk Supply (Retail Distribution) Regulations to allow for a six-day delivery week, applies only to household deliveries. Some vendors still operate on a seven-day week and, as deliveries to shops are not zoned, shopkeepers are free to engage these vendors if a delivery on every day suits their purpose. The Metropolitan Milk Board does not license shops for the sale of milk and has no control over how the milk should be sold from these premises. The licensing authorities for this purpose are the Metropolitan County Board, and in some instances, local councils. However, my colleague advises that, should consumers in Elizabeth be experiencing difficulty in purchasing bottled milk from shops, it may be helpful for them to know that every householder residing in the Metropolitan Milk Board retail distribution area has a home delivery service of bottled milk available at no extra charge.

RURAL ASSISTANCE

In reply to Mr. BOUNDY (October 29).

The Hon. HUGH HUDSON: The Minister of Lands has advised that under the provisions of the Australian Government's States Grants (Rural Reconstruction) Act, 1971, the purpose of debt reconstruction is to assist a farmer who, although having sound prospects of long-term commercial viability, has used all his cash and credit resources and cannot meet his financial commitments. The following tests of eligibility apply:

The applicant is unable to obtain finance to carry on from any other normal source, and is thus in danger of losing property or other assets if not assisted under the scheme.

There is reasonable prospect of successful operation with the assistance possible under the scheme, the prime requirement being ability to service commitments and to reach the stage of commercial viability within a reasonable time.

Assistance is merited and the applicant's difficulties are not substantially due to circumstances within his control.

No agricultural industry is excluded from the scheme except for farm build-up cases eligible under the Marginal Dairy Farms Reconstruction Scheme. Thus, any *bona fide* primary producer, who considers that he meets the tests of eligibility, may apply for assistance under the debt reconstruction provisions of the rural reconstruction scheme.

HOSPITALS

In reply to Dr. TONKIN (October 29).

The Hon. L. J. KING: It is intended to build a new hospital to be known as Para Districts Hospital on the northern boundary of Salisbury, and to develop the present Lyell McEwin Hospital to provide nursing home, day hospital, domiciliary care services and similar services. Commonwealth Government approval is not necessary to proceed with building the new hospital. The new hospital building will proceed as planned.

FILMS

Dr. EASTICK (on notice):

1. How many times since the Film Classification Act Amendment Act (No. 2), 1973-1974, was enacted has the Premier used his powers under the Film Classification Act to—

(*a*) remove the classification assigned to a film under a corresponding law and not assign his own classification in its place, so making exhibition of the film in South Australia illegal;

(*b*) remove the classification assigned to a film under a corresponding law and assigned his own classification in its place; and

(*c*) issue a certificate stating that he or his nominee has personally viewed the exhibition of a film to which a classification has been assigned in pursuance of a corresponding law and that the classification so assigned is, in his opinion, the appropriate classification for that film to bear?

2. What were the details in each case and on how many occasions was the Premier's action prompted by—

(*a*) official review; and

(*b*) representations from the public?

3. What machinery has been established to review the classifications assigned under a corresponding law to films which will be distributed and exhibited in South Australia?

4. Has the Premier reduced to writing the "standards of morality, decency and propriety that are generally accepted by reasonable adult persons in this State", to which he is bound by the Act to have regard when considering the classification of films and, if so, will he table that code in this House?

5. If the code has not been written, will the Premier undertake to write such a code, table it in this House, and revise it and table any subsequent amendments, as and when he believes necessary?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. (*a*) None.

(*b*) None.

(*c*)Two.

2. In the first instance "Roadshow" applied for a certificate that *Oh! Calcutta!* bore the correct classification, namely, for restricted exhibition. In the second instance a member of the public sought an alteration in the classification of the film *Don't Look Now* from "for mature audiences" to "for restricted exhibition". In both cases it was determined that the film concerned was correctly classified.

The answers are therefore: (*a*) None; (*b*) Two.

3. Arrangements have been made to use the services of two Australian Public Service officers as nominees pursuant to section 11a of the Film Classification Act, 1971-1974. The officers concerned are Mr. Stanley Gilbert Hawes, M.B.E., F.R.S.A. (Chairman, Film Board of Review), 83 Castlereagh Street, Sydney (in cases where the Film Board of Review has not already heard an appeal), and Mr. John Somerville (Assistant Secretary Censorship), who is the head of the Censorship Office in Canberra (in cases where the film has already been reviewed by the Film Board of Review).

4. No.

5. No. The Act requires the Minister in exercising his powers and discretions to have regard to the standards mentioned, not to write a treatise.

INSTITUTE STUDENTS

Mr. EVANS (on notice):

1. Is the Minister aware that about half the final year students studying for the Degree of Bachelor of Applied Science (Medical Technology) at the South Australian Institute of Technology, do not have firm offers of employment for 1975, and a position for a scientific officer at the Queen Elizabeth Hospital has been deferred until January, 1975, even though a graduate of the institute had been verbally offered the position?

2. What are the objectives and concepts of the Education Assistance Scheme?

3. What are the reasons for the Public Service Board believing a contract of service is not a satisfactory alternative to salary deduction?

The Hon. HUGH HUDSON: The replies are as follows:

1. Yes, the Minister is aware that some final year students studying for the Degree of Bachelor of Applied Science (Medical Technology) do not, at this time, have firm offers for employment in 1975. Firm offers have been made to some students, subject to successful completion of the course, and a further two vacant positions in the Hospitals Department will be advertised shortly. There are existing constraints on growth of the Public Service. Although there are sufficient vacancies within the staffing establishments of the Hospitals Department and the Institute of Medical and Veterinary Science to absorb the expected out-turn from the course, recruitment is subject to availability of funds. Consequently, as is the case with the position of scientific officer at the Queen Elizabeth Hospital, there is likely to be some postponement in appointments, initially. However, inevitably there will be a need for further recruitment during 1975 that should provide employment opportunities for those students and graduates who have not been made firm offers at this stage.

2. The part-time Education Assistance Scheme is one facet within the total framework of educational assistance programmes, including post-graduate studies, Public Service study awards, study tours, and external study awards. The objectives of the scheme are to provide adequate opportunities for all officers and employees seeking to acquire initial qualifications, upgrading existing qualifications, or acquiring new qualifications to enable them to make a career in the service. Liberal provisions for time off with pay are available under the scheme for students to attend lectures, tutorials and practical, and examinations in approved courses, and for payment for all necessary travelling time during normal working hours. At present over 2 000 officers and employees studying in over 150 courses are receiving time off in excess of 7 200 hours weekly under the part-time education scheme.

3. Course time tables are largely influenced by the extent to which employers generally are willing to support students for day release. In circumstances where the normal provision of five hours time off with pay is not adequate, the board provides reasonable alternatives involving a limited reduction of salary. Under this arrangement the extent of day-release demands on students and work dislocation is minimised. If the alternative of a contract of service was introduced, it is likely that day-release demands on students would increase substantially, with consequent adverse effects on productivity and work dislocation. Notwithstanding that reduction of salary requires some clerical work, the administration of contract of service involves supervision and procedures which, in the board's opinion, are not economically justified. In keeping with contemporary views, the board's policy is, where possible, to eliminate contracts of service in the various education assistance schemes. With the possible introduction of flexi-time in view, the board is now reviewing the provisions of the part-time education scheme and the salary reduction aspect is being critically examined.

FUEL TAX

Dr. TONKIN (on notice): Does the Government intend to include measures in legislation to be introduced relating to fuel tax to exempt invalids and disabled persons dependent on motor car transport from the payment of the proposed impost and, if not, why not?

The Hon. D. A. DUNSTAN: Proposed legislation relating to the sale of petroleum products provides for the payment of a licence fee by the seller of those products. The fee is based on the seller's turnover for an antecedent period, and is not being levied by the Government on the consumer. It is inevitable, however, that resellers will seek approval from appropriate price-fixing authorities to increase retail prices. Whilst the Government is sympathetic to cases of hardship and can grant exemptions and concessions in relation to services the Government provides to particular classes of consumer, it has no authority to direct a retailer to sell below the fixed price to any consumer or class of consumer. The South Australian legislation is based on legislation recently enacted in New South Wales that does not specify exemptions or concessions for any consumer class.

RAILWAYS INSTITUTE

Dr. TONKIN (on notice):

1. When is it expected the Motor Registration Division of the Transport Department will move from the Railways Building and space be available for the South Australian Railways Institute?

2. Has any decision been made by the owners regarding the demolition of Metters Building, where portion of the institute's activities is presently located?

3. What provision is to be made for the Railways Institute if demolition is to proceed?

The Hon. G. T. VIRGO: The replies are as follows:

1. Late 1976.

2. The Government has not been advised of any such decision.

3. Vide 2.

ROYAL COMMISSION

Dr. EASTICK (on notice):

1. What was the total number of sitting hours of the Royal Commission into the suspension of Jacquelynne Willcox from Woodville High School?

2. What fees were paid to each of the counsel assisting the Commission and representing the Willcoxes and the Headmaster?

3. For how long was each employee of the Education Department required to be absent from normal duty to appear before the Commission?

4. What is the total estimated cost of the Royal Commission including the time used by the Ombudsman to conduct the inquiry and the time lost by witnesses appearing before the Commission?

The Hon. HUGH HUDSON: The replies are as follows:

1. 85.

2. Two of the three counsel involved have been paid at a cost of $7 472.13. No account has yet been submitted for the third counsel.

3. Mr. K. E. Barter (Deputy Director-General (Schools))—1 hour; Mr. B. E. Belmont (School Attendance Officer)—1 day; Miss S. J. Benson (Teacher)—½ day; Mr. F. W. Close, retired (formerly Acting Assistant Director of Secondary Education)—2 hours (after retirement); Mr. W. Forbes (Director of Secondary Education)—2 hours, 25 minutes; Mrs. M. J. Fox (Teacher)—2 days; Miss S. P. Glynn (Deputy Headmistress)—1 day; Mr. R. Goldsworthy (Headmaster)—11¾ days; Mr. B. D. Hannaford (Headmaster)—1½ days; Mr. A. W. Jones (Director-General of Education)—3 hours; Mrs. A. Lajos (Teacher)—1¾ days; Mrs. J. L. Lavender (Teacher aide)—1 day; Mrs. L. D. Lelliot (Teacher)—no time; Mr. J. D. Marshall (Relieving Bursar)—½ day; Mr. K. B. Marsland (Teacher)—1½ days; Mrs. L. M. Marzec (Teacher)—¾ day; Mr. A. Maschkowsky (Teacher)—1½ days; Mr. F. J. Rieuwers (Teacher)—1½ days; Mr. R. F. Smallacombe (Senior Education Officer)—3 hours; Mr. J. R. Steinle (Deputy Director-General (Resources))—2 hours; Mrs. J. M. Veldhuis (Teacher)—1½ days; and Mr. N. L. Wilson (Principal Research and Planning Officer)—3 hours.

4. In addition to the counsel fees in 2 above, a further $428.51 has been passed for payment on various expenses. Further accounts are expected and, at this stage, it is not possible to give a total cost. The Ombudsman is at present in New Zealand, and at this stage no information on hours spent on Commission duties is available.

Mr. MILLHOUSE (on notice):

1. Does the Government accept all the findings of the Royal Commission, 1974, on the suspension of a high school student?

2. If it does not accept the findings, which of those findings does it not accept and why?

3. What action, if any, does the Government intend to take with regard to any findings that are not accepted?

The Hon. D. A. DUNSTAN: The Government accepts the finding of the Royal Commissioner that Mr. Goldsworthy was justified in suspending Jacquelynne Willcox from Woodville High School on May 31, 1974. The recommendations made by the Royal Commissioner with respect to Jacquelynne Willcox's future education have been modified in line with legal advice available to the Government. If the Willcox family do not accept any of the schools offered to them for consideration, it is not considered desirable to expel Jacquelynne Willcox from Woodville High School, as it seems that this action would remove the Willcox family's legal obligation to enrol the girl at another school. Amended regulations were passed by Executive Council yesterday that gave the Director-General power to transfer compulsorily a student from one school to another.

Mr. MILLHOUSE (on notice) What has been the cost, so far, of the Royal Commission, 1974, on the suspension of a high school student, and how is this cost made up?

The Hon. D. A. DUNSTAN: The sum of $7 900.64 was made up of $7 472.13 in legal costs for two of the three counsel involved, and $428.51 in other expenses.

IMITATION CIGARETTES

Mr. DEAN BROWN (on notice):

1. Has the South Australian Government the authority to ban the sale of chocolate lollies wrapped and packaged in a box as imitation cigarettes and, if so, will the Government immediately impose such a ban?

2. If the South Australian Government has not the necessary authority, will a request be made to the Australian Government to prohibit the import of these imitation cigarettes into Australia?

The Hon. L. J. KING: The Food and Drugs Act does not give power to ban the sale of confectionery of this nature and, under these circumstances, it is not possible to impose a ban immediately. It is understood that the Australian Government is considering banning the importation of this confectionery under the Customs Act. It is also understood that the importers of the products have voluntarily ceased distribution in Australia.

DRIVER TRAINING

Mr. DEAN BROWN (on notice):

1. What is the extent of the existing programme of driver-training within secondary schools?

2. Does the Government intend to make driver-training a compulsory subject within secondary schools?

3. Is it intended to expand the existing programme and, if so, what will be the extent and nature of that expansion or change?

The Hon. G. T. VIRGO: The replies are as follows:

1. Road safety instruction is provided as a component in the curriculum of all students in primary schools and in the first three years of secondary education. The course is offered for a minimum of six hours each year. The Road Safety Council is providing driving instructor training courses for teachers at the Road Safety Instruction Centre, Oaklands Park. By the beginning of 1975, it is expected that about 25 qualified teacher-instructors will be operating courses in country and metropolitan secondary schools. Instructor courses are registered as Education Department inservice courses and teachers are released from schools to attend. Student driver education courses offered in schools are of two kinds. In some cases instruction is taken in school hours as an elective part of the school curriculum. In other cases, car instruction is held out of school hours. Principals are encouraged to integrate driving instruction in the school programme to avoid the need to pay instructors for out of school hours instruction.

2. Student driver-training will be expanded as funds become available for the purpose with the object of providing driver instruction for all secondary students.

3. Vide 2.

AYERS HOUSE

Mr. DEAN BROWN (on notice):

1. Who is the present lessee of the restaurants at Ayers House?

2. If leased by a company, who are the directors and shareholders of this company?

3. Are there present negotiations to change the lessee or to alter the directors and/or shareholders of any company that now holds the lease and, if so, which new persons or companies are involved in these negotiations?

4. Has the rent payable on this lease increased since the original lease was granted and, if so, on what dates was the rent increased and by what percentage?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Mr. P. H. Cramey.

2. Not applicable.

3. Negotiations are currently in hand to change the lessee to a company in which Mr. P. H. Cramey will have the majority shareholding, as well as a controlling interest. However, negotiations are not finalised.

4. No.

FRANKLIN HARBOR

Mr. BLACKER (on notice):

1. What was the total cost of restoration and maintenance of the two buildings on Marine and Harbors Department property at Franklin Harbor?

2. For what purpose are the buildings being maintained?

3. Who will use these buildings and what rent will be charged?

The Hon. HUGH HUDSON: The replies are as follows:

1. $4 400.

2. Storage of farm machinery and parking of fishermen's cars.

3. Southern Farmers Co-operative Limited; rental is $250 a year. Australian Bight Fishermen's Society; rental is $81 a year.

COWELL FORESHORE

Mr. BLACKER (on notice): What are the plans of the Marine and Harbors Department to beautify the area adjacent to the jetty and foreshore at Cowell?

The Hon. HUGH HUDSON: The department's aim is to concentrate its buildings and facilities within an area extending landward for 91 metres from the shore end of the stone causeway. To this end, the loco shed and crane have already been relocated into this area from the north-western end of the reserve. An unsightly toilet, a picket fence and a gate near the north-western (town end) boundary of the reserve have been demolished, and the whole area has been tidied up. The district council has indicated its interest in leasing the north-western portion of the reserve and implementing a beautification programme, but has stipulated that all buildings and improvements must first be removed. The department, although sympathetic to this proposal, cannot abdicate its responsibility to its lessees and port users generally.

HOVERCRAFT

Mr. BLACKER (on notice):

1. What are the terms of reference of the comprehensive study being undertaken by the Transport Department into the viability of a hovercraft service in South Australia?

2. Who are the persons involved in this study and what are their qualifications and experience in air-cushion vehicles?

3. Will the firm of Taylorcraft Transport (Development) Proprietary Limited at Parafield be invited to assist in this study?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. There is no study of hovercraft feasibility as such. The study is an economic evaluation of the demand for transport around and across Spencer Gulf in relation to existing and possible future modes of transport, and is being undertaken by the Transport Department.

2. The work is under the direction of Mr. J. W. Hutchinson a qualified engineer with experience in traffic demand analysis; the economic evaluation is being undertaken by Margaret Starrs, who holds a degree in economics. As the study is an economic one, experience on or in air cushion vehicles or any other mode of transport is not essential.

3. No.

GLEN OSMOND SCHOOL

Dr. TONKIN (on notice):

1. Is the attached teacher residence at the Glen Osmond Primary School to be vacated at the end of this year?

2. If it is to be vacated, what plans have been made to use and integrate into the school the urgently needed accommodation thus made available?

3. Have proposals for this purpose been received by the department from the school council and/or the Headmaster and, if so, what decision has been made concerning these proposals, and when will plans for the use of the building be released?

4. Will the accommodation be available in suitable form in time for the beginning of the next school year?

The Hon. HUGH HUDSON: The replies are as follows:

1. Yes.

2. The residence will be occupied by a country teacher who is moving to the city for study purposes.

3. An officer of the Education Department discussed proposals for the redevelopment of the school with the school council and the Principal on September 26, and an undertaking was given that the Public Buildings Department would be requested to make an architect available. Because of pressure of work, it has not been possible for an architect to undertake this task, although it is expected that this will be done before the end of the school year.

4. With the recent completion of a four-teacher unit at the school, there is adequate accommodation for present enrolments.

MOTOR CYCLES

Mr. RODDA (on notice):

1. How many accidents involving motor cycles have occurred in South Australia this year to November 11?

2. How many deaths arose from these accidents?

3. What were the ages of the people involved in these accidents?

4. Have any statistics been kept on the horse-power of the motor cycles involved, and, if not, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. Although the statistics are subject to confirmation, present information indicates that there were 2 850 accidents involving motor cyclists up until November 11, 1974.

2. During this period 44 people were killed.

3. From information available, the ages of those people killed were:

Aged 18 years or under	21
19 to 21 inclusive	15
22 to 25 inclusive	5
26 and over	3
	44

4. No statistics have been kept on the horse-power of motor cycles involved in accidents.

HAWKER STREET BRIDGE

Mr. COUMBE (on notice):

1. What plans are contemplated for the road bridge over the Northern railway line at Hawker Street, Croydon?

2. Is it planned to provide for Municipal Tramways Trust buses to resume using this bridge soon to overcome the present rerouting of these buses through Ovingham?

The Hon. G. T. VIRGO: The replies are as follows:

1. Plans provide for the reconstruction of the deck of the existing bridge, following which the load limit will be raised from 8 tonnes to 25 t.

2. Yes.

MINISTER'S ABSENCE

The SPEAKER: I point out to honourable members that, in the absence of the honourable Minister of Transport on Ministerial duties, any questions that would normally be directed to him may be directed to the honourable Minister of Environment and Conservation, who will be acting in the Minister's stead for the day.

POLICE SALARIES

Dr. EASTICK: In view of the unrest in the Police Department, will the Premier reconsider his unprecedented attack on the Police Department and the salary increases given to police officers by an independent tribunal?

The Hon. D. A. DUNSTAN: The Leader has suggested that I have made an unprecedented attack on the Police Department because the Public Service Board has appealed against a decision by a conciliation commissioner.

Dr. Eastick: At whose direction?

The Hon. D. A. DUNSTAN: There was no direction from the Government. The Public Service Board made the decision. The Government did not disagree with the Public Service Board.

Mr. Coumbe: Didn't you lay down—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I did not direct the board to make an appeal. The board had already recommended to the Government previously that, if awards were markedly out of line with the general rate of award increases and if this, consequently, would have flow-on effects, with claims in other parts of the Public Service, it would be inevitable that from here on in the board would have to appeal. The Government had been warned of that. In the case of the police, the board made a decision and told the Government. I am sure that the Government could have induced the board not to take the action if the Government had disagreed with the board. However, it did not. I take full responsibility for that position. I find it extraordinary that the Leader should now attack me on this score, as on Thursday last a member of his front bench who sits only a short distance from him attacked the Government when asking a question about this very matter. That honourable member implied that the Government was subject to criticism for not taking any action to restrain escalating wage demands, and he instanced the police case.

Mr. Goldsworthy: I asked why they had been singled out for special treatment.

The SPEAKER: Order!

Mr. Goldsworthy: You should read the whole of my question.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I am perfectly willing to read what the honourable member had to say.

Mr. Goldsworthy: I said that your dislike of the police was well known, and it is.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member addressed his question as follows:

Can the Treasurer say what steps the Government is taking to provide for effective restraint in controlling escalating wage and salary rises? There have been recent press reports of salary rises granted to South Australian Government employees. A report in the *Advertiser* of November 9 contains an address by the Treasurer to business leaders. Part of the press report of that address states:

> Citing the case of recent wage rises to the South Australian Police Force, he said: "We have to put a specific brake on escalating wage demands, leap-frogging wage demands, and bring them back to some sort of basis of reality.

I do not know what the reference to the Police Force was, but I think that the recent wage award to the force amounts to about $5 000 000 a year.

The honourable member then went on to deal with an increase in the number of public servants and condemned the Government about teachers' salaries and asked what it was I was doing to restrain escalating wage demands.

Mr. Goldsworthy: You haven't read the whole question.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Leader now says it was an unprecedented attack on the Police Force that there should be an appeal against the decision of a conciliation commissioner. I draw his attention to the fact that the Hall Government, on December 23, 1969, appealed against a decision of a commissioner on police officers' motor mileage rates. The Leader said it was an unprecedented attack, but the fact is that the previous Liberal Government also appealed against the decision of a conciliation commissioner in respect of police mileage rates. Obviously, even though

the colleagues of the Leader last week attacked me for not doing something, now we have done something he is attacking the Government for doing it.

Mr. MILLHOUSE: My question is supplementary to that which was asked by the Leader at the beginning of Question Time but which was not followed up by members of his Party. Does the Premier not consider it unfair on police officers that their pay increase has been the first, and so far the only, case to be singled out for appeal by the Public Service Board? I read with interest the report in this morning's paper of the meeting, called by the Police Association, that the Premier attended last evening at the Trades Hall, his stamping ground. I have also had several communications today on the subject. If I may put it this way, the general consensus of opinion amongst police officers is that they have been, in fact, singled out because the Government realises that they have a high sense of responsibility and would not cause industrial trouble, and that, in any case, the Government's popularity with them is so low that it has little or nothing to lose.

The SPEAKER: Order! Comments are out of order in questions.

Mr. MILLHOUSE: I am only repeating what have been put to me as the real reasons why the Government has decided to single out police officers as those who will be the first and so far the only ones to suffer.

Mr. Venning: He's never liked the police, though.

Mr. MILLHOUSE: No. This action against the police contrasts rather strangely with the Bill, which the Premier introduced in this place some time ago and which is now floating somewhere between this place and the other place, dealing with pay rises for members of Parliament.

Members interjecting:

The SPEAKER: Order! Order! Order! If honourable members continually interject (and interjections are out of order) while a question is being asked, I shall take it that they are withdrawing their leave for the question to be explained.

Mr. MILLHOUSE: I am glad of that, Mr. Speaker, because several Ministers at this end have been sniping at me.

Mr. Crimes: Question!

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: The honourable member's premise is incorrect.

Mr. Millhouse: I bet it's not.

The Hon. D. A. DUNSTAN: Before the decision of the Public Service Board to lodge an appeal in this case was made, a decision had been made by the Public Service Board—

Mr. Millhouse: How long before?

The Hon. D. A. DUNSTAN: Within the last few weeks. Before that, a decision was made by the Public Service Board and approved by Cabinet not to accept the recommendation of a Commonwealth conciliation commissioner in relation to an $8 a week increased special payment in respect of electrical maintenance fitters in the Hospitals Department because this would have wide ramifications on the whole of the maintenance work of the Government. The Public Service Board has sought a reassessment of the conciliation commissioner's decision. It involves several unions, not only the Electrical Trades Union. It involves several metal-working unions, and all these unions happen to be in the category, apparently, that the honourable member has spoken about, namely, unions that have previously found it possible to take strike action.

Mr. Millhouse: Can you tell us what is the certain formula you are talking about?

The SPEAKER: Order! In accordance with Standing Order 169, I warn the honourable member for Mitcham because of his total disregard of the Chair, and that will apply also to every other member from now on.

The Hon. D. A. DUNSTAN: The attitude that some members of the Police Force have taken, that they have been singled out specifically and are being treated in this way because of a view held by the Government that they could not and would not strike, is not correct. In fact, some members of the Police Force have made several threats that strike action would be taken on this matter. If they chose to take that strike action, the Government's view would be that a member of the Police Force had the right to withdraw his labour, and the Government would not take penal action. That would not mean that we would alter our decision to oppose the increase for police officers who acted in that way if they wished to do so. However, we do not consider that in that matter they are any different from any other people. Of course, everyone must consider the effect of his strike action on his work and his service to the public, but we do not deny members of our Police Force the right to strike, and we never have denied it. The view that has been put, that this is the only case in which there has been a disagreement with the Public Service Board in recent times about a decision by a conciliation commissioner and about seeking a reassessment of a decision by a conciliation commissioner, also is not true.

Mr. GOLDSWORTHY: I seek leave to make a personal explanation.

Leave granted.

Mr. GOLDSWORTHY: The Premier has misrepresented me regarding a question I asked in this House on Thursday last. It is unfortunate that I must use this call for a personal explanation to put the record straight, but the Premier quoted part of a question I had asked him about the restraint the Government would seek to impose. I asked that question because of a press report of a statement by the Premier at a dinner given by the Chamber of Commerce and Industry. The Premier read part of my question. However, in order to show the nature of the misrepresentation I should like to read the ensuing part of the question following the part the Premier read. In that ensuing part I was indicating clearly that I thought the Premier was inept in citing the police salary increase. I referred to the 20 per cent increase in the strength of the Public Service, and I was referring to the activities of the Government during the past 4½ years. However, in relation to the police salary increase, I said:

> In citing the case of the police salary increase in order to make his point that the Government must exercise restraint, I would like the Treasurer to say specifically how his Government intends to exercise restraint. The Treasurer's dislike of the Police Force in this State is well known, so this does not seem to me to be a very apt example for him to cite.

Of course, I was referring there to his statement to the group of business men about a week ago. I also said:

> Be that as it may, there has been precious little evidence of the Government's exercising restraint in making appointments or granting Government salary increases.

I think it is perfectly clear from those remarks that I was in no way supporting the view that the Premier should act to inhibit the police salary increases.

Members interjecting:

Mr. GOLDSWORTHY: If Ministers cannot understand what I have just read out—

The SPEAKER: Order! The honourable member sought leave to make a personal explanation, and that is the

only subject matter than can be put to the House: it does not allow the matter to be debated.

Mr. GOLDSWORTHY: I thought I had made perfectly clear that I believed the Premier's citing the police pay rise as a case of excessive restraint was inept. Unfortunately, the rather brief newscast that alluded to the fact that I referred to the police pay rise and the teachers' pay rise may have given this impression, but that was not the impression I sought to give. I believe the part of the question I have quoted indicates clearly that the Premier has sought to misrepresent my question this afternoon. In no way did I imply that I believed the police pay rise was not justified; in fact, I am grateful to the *News*—

The SPEAKER: Order! A personal explanation can be a personal explanation only.

Mr. Gunn: What about—

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

FENCING CONTRACTORS

Mr. WELLS: Will the Minister of Labour and Industry investigate the activities of some fly-by-night fencing contractors who are advertising extensively? I have been approached by a constituent, a man who has been a fencing contractor for almost 20 years, who employs about 20 men permanently, who takes out full insurance cover on behalf of his men for workmen's compensation, and who complains that other fencing contractors employing labour and supplying the material are not covering their men for workmen's compensation. He is concerned, as I am, that the men are required to use electrical equipment, that serious injury could thereby result, and that the men could find they are not covered for workmen's compensation. I therefore respectfully ask the Minister to take stringent action to prevent this occurring in the future and to protect my constituent and other reputable businessmen.

The Hon. D. H. McKEE: As I can understand the honourable member's concern, I will examine his question and bring down a report.

PETRO-CHEMICAL PLANT

The Hon. D. A. DUNSTAN: I seek leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: The Redcliff indenture has progressed to a stage where only two matters require resolution. Although it is expected that agreement will be reached within the next few days so that the indenture can be signed, it is considered unreasonable to expect Parliament to process the legislation in the few days which remain in the present sitting. I have been assured that it is possible with some difficulty to rearrange the consortium's time schedule to encompass this delay.

Mr. COUMBE: Can the Premier say whether the Bill will be introduced before the House rises for the Christmas break so that members may consider it during the break? Does the Premier's statement mean an extensive delay or can some progress be made on the project without Parliamentary approval?

The Hon. D. A. DUNSTAN: It is not clear yet whether we can introduce the Bill before the House rises for Christmas. Two matters are still outstanding.

Mr. Millhouse: You said it would be within the next couple of weeks.

The Hon. D. A. DUNSTAN: At this stage, I do not know exactly when a decision will be reached.

Mr. Millhouse: You said within a few days. You've said that repeatedly.

The SPEAKER: Order! A question was asked by the honourable member for Torrens. That is the only permissible question and that is the question that will be replied to. If the honourable member for Mitcham wishes to disregard Standing Orders, they will be applied to him.

The Hon. D. A. DUNSTAN: I am giving the House the best advice I can on the information available to me from my officers and from the consortium. If the honourable member or any other member can be a more effective seer, that is in his hands. I am simply telling members what I know. My earlier statement was an agreed statement, prepared by my officers and approved by the consortium.

Mr. Millhouse: You take the responsibility for it?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I hope that agreement can soon be reached, but it will depend on the approval of the terms put to the consortium, particularly regarding environmental matters, by the Government for which the consortium must get the agreement of its principals in Great Britain, Japan, and the United States of America. As soon as we have that approval, which I expect will be forthcoming, and we have the agreement, the indenture can be signed and we can introduce the Bill as speedily as possible.

Mr. Dean Brown: Do you think it will ever be built?

The Hon. D. A. DUNSTAN: Yes, I do. I know that some Opposition members have proceeded in this matter to attack the Government as being responsible for delay while, at the same time, attacking the Government for pressing on. In other words, they want to gallop off in all directions at once, but we are used to that kind of equestrian performance. We have been pursuing this matter with all diligence and, as soon as we can introduce the Bill, we will do so. The Government has been apprised by the consortium that it can adjust its time table to fit in with this programme.

Mr. Millhouse: With some difficulty!

The Hon. D. A. DUNSTAN: Yes; nevertheless, it can do so.

Dr. Eastick: Who will meet the cost?

The SPEAKER: Order! I remind honourable members that, during Question Time, a member is entitled to ask a question, and a reply will be given by the responsible Minister if he thinks fit; but no honourable member is allowed consistently and persistently to ask questions resulting from the original question, and interjections must not be replied to.

NORTH HAVEN DEVELOPMENT

Mr. OLSON: Can the Acting Minister of Marine say whether there has been any change in the North Haven development scheme to exclude certain social and community facilities? At a recent seminar conducted to discuss social problems in the Port Adelaide area, it was suggested that the current economic and building situation had forced the Australian Mutual Provident Society to restrict its programme at the expense of reducing community facilities. As documented experience in large new housing estates shows that the social facilities are most urgently needed when the houses are first built, and should be the responsibility of the developer, will the Minister ensure that in this instance they will not be left to local initiative to develop later?

The Hon. HUGH HUDSON: I will take up this matter, see what is the position, and bring down a reply as soon as possible.

SUSPENDED STUDENT

Mr. GUNN: Has the Minister of Education received any indication which school will accept the barred Woodville High School student, Jacquelynne Willcox, and whether she has yet made an attempt to attend that school? A lunch-time news bulletin carried a report that the police were called to Woodville High School this morning when the barred student arrived at the school and tried to take her place in the classroom. I would like to know from the Minister what occurred at the school, who decided to call the police, and whether he supports that action fully. What action does the Minister intend to take to terminate this continuing confrontation between the student and her parents on the one hand and education authorities on the other?

The Hon. HUGH HUDSON: That was an interesting question because it started off as one question and ended up as a series of other questions. Yesterday, following the proclamation of new regulations, Jacquelynne Willcox was transferred by the Director-General of Education from Woodville High School to the Correspondence School. The new regulations enable the Minister, as an alternative to expulsion, to direct the Director-General that such an action should be taken as was taken in the case of Jacquelynne Willcox. The Director-General informed the parents yesterday that, if they wished to discuss with us an alternative school for Jacquelynne Willcox, we would be available for that purpose. This followed on the lack of reply to a letter I wrote the Willcoxes last Tuesday offering some alternative schools for Jacquelynne Willcox's future education. So, the actions taken yesterday flowed from that as a consequence. This morning Jacquelynne Willcox went to Woodville High School. Discussions took place and have taken place between the Police Commissioner and the Crown Solicitor and officers of my department. The police required an authorisation from me as Minister before taking action. It had been suggested to me that I should get one of my officers to remove the girl from the school, but it was decided that, as no-one in the Education Department was experienced in that type of activity, it was appropriate to authorise the police so to do.

Mr. Goldsworthy: But you don't believe in police action.

The Hon. HUGH HUDSON: I made clear previously—

Mr. Goldsworthy: —that you don't believe—

The SPEAKER: Order!

The Hon. HUGH HUDSON: I think it would be advisable for the member for Kavel not to interject.

Mr. Goldsworthy: You don't believe in police action, do you?

The SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: I have made clear previously that in general, unless it was a last resort situation, I would not favour the use of policemen in schools, and the proviso "unless it was a last resort situation" was always there. Jacquelynne Willcox was no longer enrolled at Woodville High School and was, in fact, trespassing by attending at the school. The position of the police is made clear in today's *News,* which quotes the Deputy Police Commissioner (Mr. Draper) as saying:

> The Education Minister appointed the Commissioner of Police as his agent to ensure that the arrangements for the change of schools of Miss Willcox were properly put into effect.

The police made clear that without an authorisation from me they would not act in a case that amounted to civil trespass. I draw the attention of members to the statement made by the Police Department today, because it is of some relevance. The position is as Mr. Draper has stated in the newspaper: namely, that, when the police approached Jacquelynne Willcox, she left the school and proceeded outside the gate. When outside the gate she was offered a lift home by the police and she accepted. That is the latest position that I can report to the House, and I think it indicates that we have taken the appropriate measures to see to it that the decision has been put into effect.

Mr. VENNING: Can the Minister say whether a student who had been suspended from a Government school and returned to the school during the suspension period would be trespassing? I do not believe that my question needs any further explanation. As Minister of Education and supervisor of schools—

The SPEAKER: Order! I take it that the honourable member's question is seeking an interpretation of an Act or regulation. If that is the case—

Mr. Venning: No.

The SPEAKER: The honourable member has asked whether something could happen if something else had happened. I interpret that to be seeking an interpretation of an Act or regulation and, as such, I rule that the question is inadmissible.

Mr. VENNING: Mr. Speaker, as this appears to me to be the situation, my question is whether the Minister upholds the suspension.

The Hon. HUGH HUDSON: I have been asked to comment on a question of law.

The SPEAKER: Order!

The Hon. HUGH HUDSON: That is what I took the question to mean.

The SPEAKER: The honourable member has asked whether the honourable Minister upholds the suspension.

The Hon. HUGH HUDSON: No, and I do not know to what suspension he was referring. The honourable member's question, as I understood it, was that, if a student returned to school—

The SPEAKER: Order! For the honourable Minister's benefit, I rule that a question seeking the interpretation of an Act or regulation is inadmissible. The question I permitted to be asked was whether the honourable Minister upheld the suspension of a certain student.

The Hon. Hugh Hudson: What student, Mr. Speaker?

The SPEAKER: Order! I rule the first part of the question out of order.

The Hon. HUGH HUDSON: Mr. Speaker, I am trying to answer the second part of the question, namely, whether I uphold the suspension of the student. The student to whom I think the honourable member is referring is not under suspension at present: she has been transferred from Woodville High School to the Correspondence School, and that is the current position.

NATIONAL HEALTH SCHEME

Dr. TONKIN: In view of the recently announced disastrous increase in the rate of inflation in this country to 30 per cent and the current deplorable situation in South Australia where the current deficit is approaching $36 000 000, will the Premier immediately ask the Prime Minister to abandon the implementation of the Commonwealth Government's costly universal health insurance scheme and other specific projects that intrude into the State's responsibilities, and urgently make direct grants to the State to restore the solvency of this Administration?

The Hon. D. A. DUNSTAN: The State will in no way be worse off, nor will the condition of the economy be

worse, if the Commonwealth Government proceeds with its national health scheme. I have submitted many requests to the Commonwealth Government for additional moneys for this State; in fact, the latest was made only a few days ago.

PRIME MINISTER'S AIRCRAFT

Mr. MATHWIN: Will the Premier tell the Prime Minister that many South Australians believe that the Prime Minister should use Royal Australian Air Force V.I.P. aircraft when travelling overseas? The Prime Minister has chartered a Qantas 707, 321C jet aircraft, at a cost of $500 000 (a costly flight), for his next tour of investigation of Europe. In view of the current problem with high-jackers, it is possible that the Prime Minister might be in peril and that we might even lose him. It would cheaper and safer for the Prime Minister to travel in a R.A.A.F. V.I.P. aircraft.

The Hon. D. A. DUNSTAN: As this has nothing to do with State administration, if the honourable member wishes to make those representations on behalf of his constituents he is perfectly capable of doing so.

UNEMPLOYMENT

Mr. BECKER: Can the Premier say what action the Government is taking to curb unemployment in this State? I understand that the detailed unemployment figures to be released this week will reveal a worsening position in country towns and cities throughout Australia. I understand that the ratio of unemployed people to job vacancies in Adelaide will be 9 169 registered unemployed to 2 198 job vacancies, a ratio of 4.2 to 1, which is slightly below the average in some capital cities. However, this situation is alarming, particularly at this time of the year and bearing in mind that some employers will retrench employees just before Christmas. Regard must also be had to the fact that industry and commerce face difficulties in meeting quarterly payments of taxation, and there is a 30 per cent inflationary effect on costs in relation to business expenditure. What is the Government doing to curb this alarming increase in unemployment?

The Hon D. A. DUNSTAN: In relation to the position of the unemployed themselves, the Government is co-operating with the Commonwealth Government in its regional employment development scheme. Officers of our department have been consulting with Commonwealth officers about the employment of unemployed persons and about works that would fit in with the total scheme. Regarding the general position of the economy of the State, I have made not only constant representations in relation to the effect on the State's industry of imports in the present high liquidity situation but also specific representations to the Commonwealth Government to improve the liquidity of firms facing a tight cash position, by postponing the quarterly company tax payment. Those representations have been made specifically to the Commonwealth Government in concert with business leaders in this State.

Mr. CHAPMAN: Will the Minister of Labour and Industry say whether he agrees with the statement by the Commonwealth Minister for Labor and Immigration (Mr. Clyde Cameron), reported today, wherein he has claimed that the only way to curb further unemployment and prevent a general recession in Australia is by ensuring that company and private enterprise profits are increased? Despite the obvious merit in what the Commonwealth Minister has said, the whole report refers to a principle that is out of character with that of the Labor Government. However, this action is long overdue, and I am sure that all concerned welcome it, because it has come from the Commonwealth Government level. In the interests of industry generally and of Australia's stable economic future, can we be assured of the State Minister's wholehearted concurrence in what his Commonwealth Government colleague has said on this matter?

The Hon. D. H. McKEE: The honourable member is referring, of course, to what is purely a press statement on which I cannot comment. However, I consider that the Commonwealth Minister had in mind other action apart from increasing profits of industry when he was talking about the economy.

Mr. Chapman: Don't you think he was fair dinkum?

The Hon. D. H. McKEE: Of course he was, but I think that he had several actions in mind, and the increasing of profits would be only one issue. I think several issues would have been referred to but were not reported fully in the press. Until I have a full report of what the Commonwealth Minister said, I cannot comment.

IRON BARON ROAD

Mr. KENEALLY: I direct my question to the Minister of Environment and Conservation, who is so capably representing the Minister of Transport during his absence. I ask the Minister whether he will have investigated the condition of the road that connects Iron Baron to the Whyalla-Kimba main road, with a view to authorising early commencement of urgent maintenance work required on that road? The continual wet weather in the North of South Australia has played havoc with the roads in that area, with no road suffering more than the road to which I have referred and which is not a sealed road. Representations made to me indicate that the road represents a real danger to motorists who use it.

The Hon. G. R. BROOMHILL: I shall be pleased to see that the honourable member's request receives every consideration.

SPEECH THERAPISTS

Mr. PAYNE: Will the Minister of Eduction ascertain whether the Education Department plans to provide qualified speech therapy teachers in South Australia, particularly in infants schools? I understand that for some time there has been a serious shortage of qualified speech therapy teachers throughout Australia and I also know that the Education Department has made considerable efforts to try to provide this sort of service for South Australian schoolchildren. However, I should appreciate information from the Minister on the department's overall plans regarding a training scheme to provide speech therapy in future, as well as information available on the allocation of speech therapists employed by the department.

The Hon. HUGH HUDSON: I am not sure of the precise position regarding the employment of speech therapists by the Eduction Department at present. The position changes from time to time during a year. Occasionally we can recruit a speech therapist and, of course, some speech therapists could be employed and could later resign to go to other jobs. That is because, as the honourable member has said, there is an Australia-wide shortage of people who have these qualifications. We send people to other States to train as speech therapists, and that policy has operated for a few years now. There are proposals to establish a course in speech therapy in South Australia and, clearly, until that course has been established and some students are taking it each year, the shortage will continue. I will inquire and bring down for the honourable member precise information on the proposed establishment of this course.

RED GARTER RESTAURANT

Mr. DEAN BROWN: My question is to the Premier, and I hope he is listening because it involves further information relating to the Red Garter Restaurant. Will the Premier reconsider the decision not to hold a Royal Commission into the acquisition of the property by the Highways Department and its subsequent use? Facts have already been given in the House of events leading to the acquisition of the property by the Highways Department and the subsequent use up to the transfer of the lease from John Paul-Jones to John Ceruto. I now wish to deal with the matter from the time John Ceruto took over. John Ceruto held both the liquor licence and the lease from early 1973 until, I believe, late 1973. During that period, section 74 of the Licensing Act (and I have had legal advice on this point) was breached and conditions of the Highways Department lease were also breached. The property was jointly managed by four people as equal partners under a verbal agreement, which has since been confirmed, by signed statement, by John Ceruto and the other three partners, relating to their liability for moneys borrowed in relation to the property. Both the Licensing Act and the Highways Department lease agreement required that, if such an arrangement was to be made on new partners coming into the business, it had to be confirmed by the Licensing Court and the Highways Department. I understand that no such confirmation was sought by John Ceruto. I have a copy of the Licensing Act with me and I am sure that the Premier would agree with the statement. Moreover, I understand that the Premier may even have known about the partnership agreement, because he acknowledged the four partners when opening the Red Garter Restaurant in 1973. I further understand that he specifically named the four partners involved. In addition, I understand that John Ceruto (and I am referring specifically to evidence that the Premier and I disagreed on) did make the initial approach to John Paul-Jones to purchase the lease. On October 30, 1974 (page 1789 of *Hansard),* the Premier claimed that John Paul-Jones approached Mr. Ceruto. I have a new independent witness to confirm my original claim and to show that the Premier misled the House.

The Hon. D. A. DUNSTAN: The honourable member is now apparently introducing further ground for the Government to hold a Royal Commission into whether there was a breach of the Licensing Act (about which no complaint has been made to, or by, the Licensing Court) as to whether someone else was involved in a business that has been taken over for some time by someone else and in which the person referred to is no longer involved. If the honourable member believes that the Licensing Act has been breached, he will no doubt seek to have a complaint laid. However, I point out that there is a section in the Justices Act that may make subsequent action rather difficult for him because trivialities in the past cannot be pursued forever. Regarding a breach of any lease agreement with the Highways Department, what the honourable member has cited does not, to my knowledge, act in breach of the Highways Department lease. I am not aware of any sub-leasing or private possession of the premises by the lessee and I cannot imagine to what else the honourable member is referring. It is obvious that the honourable member wants to keep the pot boiling for some reason or other, but I really do not believe that he is a very good cook.

WAIKERIE PRIMARY SCHOOL

Mr. ARNOLD: In view of the petition that I presented to the House on Tuesday, November 12, from parents and residents of the Waikerie district expressing concern and dissatisfaction with the inadequacies of the Waikerie Primary School, can the Minister of Education outline departmental plans for the upgrading of the school and say whether the plans will be prepared and made available to the school council and staff to enable them to determine where their efforts could best be directed because, as it now stands, the school council and parents feel completely frustrated by the present situation that exists at the school?

The Hon. HUGH HUDSON: I will look into the matter.

INFLATION

Mr. EVANS: I ask the Premier whether, because of the high rate of inflation that is crippling Australia and this State, he will bring the following quotations to the notice of the Commonwealth Government so that sane government may be attained in this country? The quotes are as follows: "You cannot strengthen the weak by weakening the strong"; "You cannot help small men by tearing down big men"; "You cannot help the poor by destroying the rich"; "You cannot lift the—

The SPEAKER: Order! The honourable member sought leave to briefly explain the question. I point out that Standing Orders indicate specifically that a member can ask a question and, with the unanimous leave of the House, explain the question. I do not believe that gives any member the right to recite a poem in explaining a question. The honourable member must explain the question or leave will be withdrawn.

Mr. EVANS: On a point of order, Mr. Speaker. I asked part of my question and, in that part, referred to the quotations. At no time did I seek leave to explain the question, nor was I in the process of explaining the question.

The SPEAKER: Repeat the question.

Mr. EVANS: Because of the high rate of inflation that is crippling Australia and this State will the Premier bring the following quotations to the notice of the Commonwealth Government so that sane government may be attained in this country? I then began to quote.

The SPEAKER: The honourable member can now make his explanation.

Mr. EVANS: First, I should like to finish the question. "You cannot lift the wage earner by pulling down the wage payer"; "You cannot keep out of trouble by spending more than your income"; "You cannot further the brotherhood of man by inciting class hatreds"; "You cannot establish security on borrowed money"; "You cannot build character and courage by taking away man's independence and initiative"; and "You cannot help men permanently by doing for them what they could and should do for themselves."

The Hon. D. A. DUNSTAN: I will not send that to the Commonwealth Government, nor do I intend to send it a message saying "Home, sweet home" or "A dog is a man's best friend."

QUEENSLAND ELECTION

Dr. EASTICK: Will the Premier say whether it is factual that he, in company with the Prime Minister, will be occupying a platform in Queensland next Friday for electoral campaigning purposes? If it is factual, it clearly shows what a sham we have had in recent weeks, when the Premier, in the House and publicly elsewhere, has been claiming to be opposed to the Commonwealth Government's activities while, at the same time, he is willing to stand shoulder to shoulder with the Prime Minister and

other members of the Prime Minister's Party extolling the virtues of a Party that is bringing the Australian economy to a standstill.

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: I shall be addressing a meeting in Queensland next Friday at the request of the Leader of the Labor Party in Queensland, and I believe that the Prime Minister will also be attending that meeting.

Mr. Dean Brown: So you support him!

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I shall be addressing a meeting in support of the Labor Party's candidates in the Queensland State election, and the people of that State would be far better off under a State Labor Administration, because they have been constantly deprived of services provided elsewhere, especially in this State.

HALLETT COVE

Mr. MATHWIN: Can the Minister of Environment and Conservation say what is the current position regarding the extension of the buffer zone at Hallett Cove? The Minister will be well aware of the recent promise by the Commonwealth Minister (Dr. Cass) regarding finance. Dr. Cass also admitted the need to preserve this area, which was one of great importance. Many thousands of people, including all the students at Glengowrie High School in my district, have signed petitions on this matter. As bulldozers are now being used to establish roads near the area that was to be a further extension of the buffer zone, will the Minister comment?

The Hon. G. R. BROOMHILL: The honourable member is aware that we have been taking steps to protect the site of scientific interest and, in addition, the State Government has spent about $400 000 to purchase a buffer zone around that site. True, some people believe that the buffer zone is not sufficiently large to protect the area.

Mr. Mathwin: You would agree with that?

The SPEAKER: Order!

The Hon. G. R. BROOMHILL: I make the point that the decision was made by the Government, after speaking to people associated with preserving the site of scientific interest. At the time the decision was made about two years ago, it was considered that the area in question was completely sufficient to preserve the site. However, it is not sufficient for those people who believe that the area should be isolated and developed in such a way that no houses are visible from it. I have made the point many times that it is my view that, with adequate fencing of and control over the use of the site of scientific interest, we would not risk losing or damaging it. As the honourable member has pointed out, one or two Australian Government Ministers who have visited the area have expressed the point of view that, although they believed, as I did, that the scientific interest site was sufficiently protected, they would like to see an increased buffer zone for added protection. I assume that those Ministers, including Dr. Cass, would have referred the matter to the National Estate Committee for its recommendation on whether it was critical that the Commonwealth Government should provide extra funds to purchase any additional land. Until now, I have received no word from the Australian Government that such information has been conveyed to it.

KADINA HIGH SCHOOL

Mr. RUSSACK: Can the Minister of Education say when it is expected that the new resource centre for the Kadina Memorial High School will be completed? For some time now, it has been expected that this building would be erected, but the people involved are becoming anxious. A press report last Friday, I think, states that the project has been referred to the Public Works Committee.

The Hon. HUGH HUDSON: I am unable to say when it is expected that the building will be available for occupation, but I will check on that matter. The building, which is to be more than a library resource centre, will provide for an additional administration area, staff facilities, and a further teaching area for first-year and second-year classes; so it will be a substantial building. I will check on the precise date by which it is expected that, if things go right and funds are available, the building will be ready for use.

At 3.15 *p.m. the bells having been rung:*

The SPEAKER: Call on the business of the day.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

Returned from the Legislative Council with suggested amendments.

APIARIES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

BUSINESS FRANCHISE (PETROLEUM) BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to provide for the licensing of persons who carry on the business of selling petroleum products and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It establishes a system of licensing for sellers of petroleum products as defined. If this measure is enacted, it will provide additional revenue of about $9 000 000, this financial year and $19 000 000 in a full financial year. Nevertheless it is introduced into the House with much reluctance. Previously, I have spoken of the unsatisfactory Budget situation that now confronts this Government: a situation that has developed since the Premiers' Conference last June, when the Australian Government announced that the established practice of providing supplementary financial assistance, in addition to the general purpose grants made in accordance with the tax reimbursement formula, would be discontinued for the financial year 1974-75.

As members know, I expressed in the strongest possible terms my concern at that decision. I pointed out that the State's financial resources were being strained to the utmost at a time when the State Budget not only was required to meet demands for improved social services and provide matching finance for a considerable range of important Australian Government initiatives but was also under severe pressure from wage increases that impact heavily on the Budget, even after allowing for reimbursement under the formula and the resultant increase in payroll tax revenues. From subsequent discussions I had with the Prime Minister, I believed I had an undertaking that some additional financial assistance would be provided and, on that basis, I included $6 000 000 in the Revenue Budget for 1974-75 that provided for a deficit of $12 000 000. That assistance has not eventuated.

Mr. Goldsworthy: Are you naive or is he a liar?

Mr. Millhouse: I challenge you to read that out on Friday night in Queensland.

The Hon. D. A. DUNSTAN: I will not be addressing a meeting on Friday night, so I do not know what the honourable member means. I assume that Mr. Bjelke-Petersen will at some stage be giving a talk here.

Mr. Millhouse: I'll make sure he sees it.

The Hon. D. A. DUNSTAN: I hope the honourable member will. I remember the last time that gentleman came here to assist in an election when no Labor candidate was running, and he took part in a campaign against the honourable member's Party. Mr. Bjelke-Petersen's candidate ran a spectacular last.

Mr. Millhouse: That won't deter me.

The Hon. D. A. DUNSTAN: The honourable member is in a situation of complete disarray and disagreement in the conservative forces.

Mr. Goldsworthy: You are a conservative Treasurer now: do you count yourself among them?

Mr. Dean Brown: You have no credibility whatsoever.

Mr. Millhouse: The Labor Party will get the biggest caning it has ever had in Queensland.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: As I pointed out earlier, the cumulative impact of larger than expected wage increases, of a down-turn in revenue from stamp duties and other forms of taxation, and the difficulty of holding expenditure to Budget in the face of price rises, means that the prospective deficit for 1974-75, even had an additional grant of $6 000 000 been provided, could be as high as $30 000 000. Unless we take steps now to legislate to collect an additional amount of revenue to deal with this position, our deficit will be so much more, and this the Government is not willing to contemplate.

Whilst that is the invidious situation that now faces the State, the Government is nevertheless concerned at the clear inflationary effect of this Bill, and is deeply conscious of the anomalous position into which it is being forced, in that it must introduce legislation of this nature at a time when all available evidence suggests that some relief from indirect taxation is one of the more important methods of stimulating the economy. In this regard, I would make quite clear that, even at this late stage, my Government would not proceed with this Bill, and also a Bill to be introduced later this session to license retail tobacco sales, if Australian Government assistance were made available to the extent contemplated by these taxing measures.

However, in the absence of that assistance we are left with no alternative but to proceed with these measures. Turning now to the Bill itself, there are several general comments I should like to make before considering its specific provisions. The Bill follows closely recently enacted New South Wales legislation. It is regrettably a somewhat complex enactment, but this complexity largely arises from the constitutional restraints within which this State, in common with the other States, is obliged to legislate in this field. In substance the annual licence fee intended under the Bill has two components: *(a)* a flat fee common to all licences of a particular class; and (*b*) a fee broadly based on sales of petroleum products during a period antecedent to the period of the licence. This method of licence fee calculation has been held to be a valid exercise of the constitutional powers of the State.

It is clear that until Victoria enacts legislation to the same effect (and I am sure it will be bound to do so), regard must necessarily be had to the position of our border areas. For this purpose, provision is made for zoning to ensure that, by varying licence fees from zone to zone, the competitive position of the traders in these areas, *vis-a-vis* their interstate competition, is preserved. Finally, the scheme of legislation given effect to by this Bill envisages the preservation in full force and effect of the Motor Fuel Distribution Act, 1973-1974. As the remainder of the second reading speech provides a formal explanation of the clauses, I seek to have it inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 to 3 are formal. Clause 4 sets out definitions of expressions used in the Bill. The use of the nine classes of licence defined in this clause is dictated by constitutional considerations and the complex sales structure of petroleum products. The attention of members is drawn to the provision, in the definitions of class 2, class 5 and class 8 licences, to the effect that these classes of licence are not appropriate if sales to non-licensees are less than a minimum to be prescribed in relation to a petroleum product. This is intended to ensure that an oil company, for example, has a separate licence authorising its sales of such products directly to the consumer. "Petroleum products" are defined in such a way as to include, in addition to greases derived from petroleum, any liquid wholly or partly derived from petroleum. However, petroleum bitumen, mineral pitch, and mineral tar are excluded.

Provision is made for the exclusion of other substances by regulation. This power will be exercised in appropriate circumstances. "Relevant period" is the period in respect of which the licence fee is assessed, and is fixed as a period antecedent to the period for which the licence will be in force, again for constitutional reasons. Clause 5 is intended to ensure that this measure does not affect the application of existing legislation applying in this area. Hence the operation of the Motor Fuel Distribution Act, 1973-1974, will not be affected. Clause 6 provides that the Commissioner of Stamps shall administer the measure. Clause 7 establishes a tribunal to hear appeals relating to licences and licence fees, and clause 8 provides for the appointment of a Registrar of the tribunal.

Clause 9 makes provision for the appointment of inspectors, and clause 10 confers on inspectors appropriate powers necessary for enforcement of this measure. Clause 11 prohibits the sale of petroleum products by unlicensed persons and at subclause (2) exempts from the licensing requirement persons whose sales of petroleum products are of a prescribed class or kind. This power of exemption by regulation should allow the flexibility necessary for administration of the measure. Clause 12 provides for the nine classes of licence adverted to in the description of clause 4. Clause 13 provides that a licensee who sells petroleum products otherwise than as authorised by his licence commits an offence. Subclause (2) of this clause is intended to ensure that, for example, a licensee operating a petrol station does not commit an offence against subclause (1) by selling motor spirit to another petrol station operator in his role as a motorist.

Clause 14 fixes the fees for the nine classes of licence, and provides for assessment by the Commissioner of the amount of fee payable by applicants for licences. Subclause (1) of this clause ensures that the percentage component of the fee is payable only in respect of sales during the relevant period of petroleum products for use or consumption. It is pointed out, however, that, in order to simplify the administration of the measure by the Government and licensees, the Government intends to exercise the powers of exemption by regulation, so that percentage component is payable by the first sellers in the State, the oil companies, in respect of their sales of certain petroleum products. At subclause (15) of this clause provision is

made for reduction of the fee in the case of licences that will be in force for less than the full licence year.

Clause 15 empowers the Commissioner to require a person carrying on the business of selling petroleum products to furnish particulars relating to his sales, purchases or stocks of, or dealings with, petroleum products. Clause 16 provides that the Minister shall set the value of petroleum products on which the percentage fee is based. This is left to the discretion of the Minister, and not strictly related to the prices of products, for the reason that, after consultation with the oil companies, it is intended to set values in relation to the class of products in order to simplify administration. The value set by the Minister, however, will be based on city retail prices and, in any subsequent licence years, the tax component of city retail prices will be ignored.

Clause 17 makes provision for the reduction of fees in respect of petroleum products delivered in zones declared by the Minister. As has already been stated, this is intended to preserve the competitive position of retailers located near the borders of the State. Clause 18 provides for payment of the fees by quarterly instalments. Although the Government is aware that even a quarterly instalment of the fee may be a considerable burden for licensees, it considers that it is not advisable for constitutional reasons to increase the number of instalments by which fees may be paid.

Clause 19 makes provision for the grant of licences by the Commissioner. It should be noted that the fee, or the first instalment of the fee, is payable before applications for licences can be granted. Clause 20 provides for the annual renewal of licences. Clause 21 provides that a licence ceases to be in force, if it is surrendered by the licensee or if an instalment of the fee, or an additional amount payable as a result of reassessment of the fee by the Commissioner, is unpaid. Clause 22 provides for reassessment of licence fees by the Commissioner. Clause 23 provides for the transfer of licences. Clause 24 requires persons carrying on the business of selling petroleum products to keep for five years such records relating to their business as are prescribed by regulation. Subclause (2) of this clause provides for disposal before the expiration of the five-year period of records of liquidated companies or pursuant to the permission of the Commissioner.

Clauses 25, 26 and 27 provide for appeals to the tribunal against refusals of licences or transfers of licences or against assessments or reassessments of licence fees. Clause 28 is intended to ensure that information relating to the commercial affairs of licensees obtained by virtue of this measure is not improperly disclosed. Clause 29 provides the usual protection for officers acting in pursuance of this measure. Clause 30 provides that prosecutions for offences against this measure may be instituted in the name of the Commissioner by officers authorised to do so.

Clause 31 is an evidentiary provision. Clause 32 provides for offences against this measure to be heard by courts of summary jurisdiction. Clause 33 is the usual provision subjecting the officers of bodies corporate convicted of offences to personal liability in certain circumstances. Clause 34 provides for service of documents and notices by post, and clause 35 empowers the making of regulations.

Dr. EASTICK secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

The Hon. L. I. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1973. Read a first time.

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

That this Bill he now read a second time.

Members will be aware that the principal Act, the Prices Act, 1948-1973, has for more than 25 years been, in effect, an "annual Act", in that it has required an amendment each year to keep it alive. In the last session of Parliament the Government introduced a Prices Act Amendment Bill designed to make the provisions of the Prices Act permanent. The Bill was amended in the Legislative Council and a conference resulted.

In reporting the outcome of the conference to this House on October 3, 1973, the Premier said:

> The effect of this proposal is that the Legislative Council withdraws its proposal concerning the provision of regulation making in place of proclamation of declared goods and services, but the Legislative Council has sought that there should be an annual review of the decisions of the Prices and Consumer Affairs Branch. The conference agreed that, as to the constitution of the branch and as to the investigatory powers of the Commissioner and his work relating to other consumer protection legislation, that should be permanent, and that, as there was difficulty about splitting the Bill to achieve that result, the managers would recommend to the Legislative Council that, on the introduction by the Government of a Bill to make permanent those features of the Prices Act, that be agreed to by the Legislative Council.

The Leader of the Opposition, who spoke after the Premier, said:

> The Premier has given a clear assurance that eventually a division of the legislation will take place, if not this session then next session.

This Bill then has a single object, which is to provide the legislative framework within which Parliament can continue to consider annually the need for the continuance of the price-fixing mechanism in the principal Act untrammelled by considerations of matters dealing with consumer protection generally. The operative clause of the Bill sets out the method by which this end will be attained and is self-explanatory.

Mr. GOLDSWORTHY secured the adjournment of the debate.

MARGARINE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's message agreeing to the House of Assembly's amendment No. 2, disagreeing to amendment No. 1, and making in lieu thereof the following alternative amendment:

Clause 2, page 1, line 9, after "This Act" insert ", other than section 5 thereof,". After line 9—Insert—

> (2) Section 5 of this Act shall come into operation on the first day of July, 1976.

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

That the Legislative Council's alternative amendment be disagreed to.

The Bill originally consisted of four clauses. Two amendments were made: first, an amendment was made to clause 2 which provided that this measure would not come into operation prior to February 1, 1975; and secondly, another clause (clause 5) was added which provided for the repeal of sections 20, 20a, 21, 23 and 24 of the principal Act, thereby eliminating margarine quotas. The Legislative Council, in considering those amendments, has suggested an alternative amendment to the first amendment, and that alternative amendment provides that clause 5 shall come into operation on July 1, 1976. The Legislative Council's amendment would enable the Bill to be proclaimed and brought into effect before February 1, 1975, and that would enable dairy blend to be introduced prior to that date if manufacturers were ready for that to occur. We have no

objection to that but we do object to the alternative amendment, which postpones the removal of quotas until July, 1976. We do not believe that that would be appropriate in current circumstances, and it is not in line with this Government's policy.

Mr. DEAN BROWN: I support the first part of the Legislative Council's proposals, under which dairy blend can be introduced immediately, and I am pleased to see that the Government has backed down on that issue. However, I disagree with the Minister as regards the date for abolishing quotas, namely, May 1, 1975.

The Hon. Hugh Hudson: Their amendment made it July 1, 1976.

Mr. DEAN BROWN: Yes. The Minister of Agriculture proposed that it should be May 1, 1975, instead of February 1, 1975, as in the Bill originally. We have seen some smart footwork by the Minister of Agriculture in his efforts to handle this situation, because he was willing to alter the date from February 1 to May 1, but suddenly he decided he was not willing to go further. I believe the Opposition advanced reasonable and down-to-earth amendments to this legislation. Unfortunately the Government did not see fit to accept those amendments, and I suspect it is regretting that decision. The Minister has somewhat misrepresented the case presented in another place, which supported the July 1, 1976, date on the following two conditions: first, that quotas should be increased substantially in the interim; and, secondly, that the Government should immediately rewrite the entire legislation and introduce a clear provision for identifying and labelling margarine products.

After the muddle the Minister got himself into, I think he will appreciate that this is necessary. The Opposition has continually proposed the ultimate abolition of margarine quotas within this State, and we are simply arguing about the best way to achieve it. We proposed that as from July 1, 1975, all quotas of poly-unsaturated margarine should be abolished, and I think that was a reasonable amendment. However, we had evidence from certain sections of the margarine industry that they did not like the proposals advanced by the Minister of Agriculture, who had created the impression that he was doing this at the sole request of the margarine industry. I presented evidence from one margarine producer showing that he did not like the legislation.

Mr. Goldsworthy: The Minister got himself into a corner.

Mr. DEAN BROWN: Yes, but I think he now accepts our original amendments. I believe there has been much political wheeling and dealing behind the scenes. I received a letter from Unilever Australia Proprietary Limited during the previous debate in this House. I think the member for Kavel read from that letter; I asked the Government to deny the statement quoted, and it did not. It was stated by a Queensland member of Parliament that a five-figure sum had been contributed by Unilever to the Australian Labor Party campaign funds. I have received from the Chairman of Unilever (Mr. Chandler) a letter dated November 11, saying that the claim was completely false, and I am willing to read that letter to members. I wrote back to the Chairman, asking him to comment on the following two questions:

Is it correct that your company made no contribution to the A.L.P. campaign fund for either the 1972 or 1974 Federal elections by means of a direct contribution or as an indirect contribution through the Australian Margarine Manufacturers Association? Likewise, is it correct that your company made no direct or indirect contribution to the South Australian Division of the A.L.P.?

I think it is only fair to have read out the two questions I posed to him. I am awaiting his answers, because they will clear or condemn the company. However, at this stage I give him the benefit of the doubt, as he has said that the original claim made in the newspaper in Queensland is completely false. As that claim is most specific, it could be claimed to be false on specific grounds. The Chairman of the Australian Oilseeds Federation (Mr. Cope) of Sydney has circulated to members of this federation and all members of Parliament a letter in which he has made certain claims. As I had long discussions with him last week, it is only fair to say what took place. First, he apologised for the fact that some of the claims he made in his letter were incorrect. On Tuesday last week he promised to forward to me a letter of apology that he was willing to circulate, but unfortunately I have not received it.

Mr. Goldsworthy: Does that go to all members, too?

Mr. DEAN BROWN: I asked him to give it the same distribution as the original letter received. As I think Mr. Cope is sincere, I am sure I will receive the letter. I will read the following reply I sent him. as it clears up misunderstandings created in the original letter:

Dear Mr. Cope, I received both your undated letter and the photocopy of that letter concerning proposed amendments to the Margarine Act. I was surprised that you did not attempt to discuss this matter with me while you were in Adelaide, because some of the misunderstanding that obviously exists could have been resolved. I was also surprised to find that you apparently had circulated copies of your letter addressed to me to all South Australian members of Parliament without informing me.

From the outset, I judge all legislation from the aspect of the community as a whole rather than with any sectional interest in mind. The amendments I proposed to the margarine legislation were made on this basis. If you had read the *Hansard* report of my speech, you would have realised that I support a policy of ultimately abolishing margarine quotas. Such a policy would support your industry. However, no responsible Government would go from one extreme with quotas to the other extreme without quotas in one broad sweep. I put amendments forward as the first logical step in this direction.

That was a major step towards the complete abolition of quotas. The letter continues:

You make no mention within your letter of the great stimulus my amendment would have given to large sections of the oilseed industry. For your information, this amendment related to the requirement that all the vegetable oils had to be grown within Australia. I did realise that soyabean oil had a high level of saturated fatty acids. My amendment would have increased the market requirement for both saturated and unsaturated vegetable oils, as it permitted the production of saturated margarine under quotas.

He implied that no production of saturated vegetable oil or margarine could take place. My letter concludes:

I do not intend to withdraw my amendments, as I consider them in the best interests of the whole community. Copies of this letter have been sent to all South Australian Liberal members of Parliament and to the members of your federation.

I indicated to Mr. Cope that I would not send letters to the members of his federation until I had received his letter. I was willing to accept his apology in place of that letter. It would be foolish for the Government completely to abolish margarine quotas in one fell swoop.

Mr. Millhouse: Why?

Mr. DEAN BROWN: It would be against the first undertaking given by the Minister of Agriculture to the Australian Agricultural Council. That undertaking was blatantly broken by the Minister who, I believe, in a moment of complete heat threw up his hands in horror. He broke the agreement in August this year.

Mr. Millhouse: Why are we bound by that undertaking?

Mr. DEAN BROWN: I hope that the honourable member is concerned that, if the Minister of Agriculture gives an undertaking on a national basis, he will honour it.

Mr. Millhouse: I don't find myself bound by anything said by a Minister of this Government.

Mr. DEAN BROWN: I hope we can have an honest Minister.

Mr. Millhouse: Have you any other reason for what you are saying?

Mr. DEAN BROWN: Yes. The honourable member should read the previous debate, which lasted for two hours on a Wednesday evening, I think.

Mr. Millhouse: I've consistently advocated the abolition of quotas.

Mr. DEAN BROWN: It was a pity the honourable member was not here during that debate to give his views. As I said then, it is absolutely necessary that any abolition of quotas be made to the best advantage of margarine manufacturers in Australia; we must ensure that the industry is not taken over immediately by oversea multi-national companies. It is time we had a definition in our legislation of poly-unsaturated margarine, as this is extremely important.

Mr. Millhouse: What has that to do with it?

The ACTING CHAIRMAN (Mr. Crimes): Order! The honourable member must not carry on a discussion with the honourable member for Mitcham; he must address his remarks to the Chair.

Mr. DEAN BROWN: I am saying why I put forward amendments. I was trying to protect the consumers of South Australia by including a definition of poly-unsaturated margarine. Great changes have taken place in science, and particularly in medical science, since the legislation was originally drawn up in 1940-41. Despite changes in technology and terminology, no changes have been made in the phrasing of definitions in the legislation. It is time that the Government decided to clarify what was table margarine, poly-unsaturated margarine, and saturated margarine. Apparently, table margarine can be made wholly of vegetable oil or it can be made from up to 89 per cent of animal fat.

There are tremendous variations in the components used in making table margarine, yet the Government is not willing to try to ensure that consumers know what they are receiving. That is why amendments were put forward in this place and why I support the Legislative Council's alternative amendment. It is clear from the debate in the Legislative Council that its amendment is designed to clarify the legislation. If the Government will not accept that amendment, surely it will accept the amendments put forward by the Liberal Opposition in this place.

The Hon. HUGH HUDSON: As the honourable member has referred to the letters he received from Unilever and the Australian Oilseeds Federation and quoted fully the replies that he gave to those organisations, I should at least put on record the original letters sent to the honourable member in each case, because the relevant portions were not quoted fully by him. The letter from Unilever, signed by Mr. R. D. Chandler, states:

Dear Mr. Brown, You are recorded in *Hansard* as having said in the South Australian State Parliament on October 22:

> A member of Parliament in Queensland has claimed that Unilever contributed a five-figure sum to Australian Labor Party campaign funds before the recent Commonwealth elections. I do not know whether that claim is correct, but it has been reported in a newspaper and it makes one wonder about the South Australian Government's policy in this field.

The claim is completely false. We are most concerned that you have used the report even whilst qualifying your statement by saying that you did not know whether the claim was correct. Since your statement was made under privilege, we believe that we have a right to expect you to report our rebuttal in the South Australian House. We are also sending a copy of this letter to the Hon. T. M. Casey, Minister of Agriculture.

The letter from Mr. E. R. Cope (Chairman of the Australian Oilseeds Federation) states:

Dear Mr. Brown, During a recent visit to Adelaide, I was informed that certain amendments have been proposed by yourself to the legislation now proceeding through the South Australian Parliament in respect of removing margarine restrictions. Particularly I refer to the suggestion that removal be limited to poly-unsaturated margarines only. Our association, which represents oilseeds from growers through to manufacturers and can be fairly said to therefore represent all points of view in the industry, feels that such an amendment would be very harmful to the local farmers many of whom produce oilseeds which are not poly-unsaturated. I refer particularly to soyabean, cottonseed, peanuts and rapeseed, none of which produces a poly-unsaturated margarine. The effect of such an amendment would be to exclude many growers from participating in this chance for improving their incomes at a time when farmers need every opportunity of increasing their incomes to offset rising inflation. To my surprise while in Adelaide I was told by senior departmental officers that they had been misinformed that soyabean oil was poly-unsaturated, and I had to explain that this was not so. I therefore felt it important to write to you explaining this situation in anticipation that with this information you will find your way clear to withdrawing the suggested amendment. If there is any further information you require please let me know. Enclosed is a list of the oils showing their poly-saturated ratios and also a list of our members.

I do not want to enter into the argument between the member for Davenport and Unilever or the argument between that honourable member and the Australian Oilseeds Federation. However, as the honourable member has quoted his replies, I think the complete letters written by those two organisations to the member for Davenport should be in *Hansard.*

The Government favours the removal of margarine quotas. I have not heard the Minister of Agriculture speaking about the charge made by the member for Davenport that the Minister went back on the undertaking that he had given and that, therefore, he had been dishonest. However, it has been reported to me, from the Minister of Agriculture, that the matter of table margarine was on the agenda for the meeting, that the Minister of Agriculture sought to discuss an immediate increase in quotas, and that the New South Wales representative refused to discuss any increase in quotas. Our Minister then stated that South Australia would proceed to remove quotas. However, the position was that any attempt to discuss the agenda item would be blocked and, in those circumstances, the South Australian Minister announced the change in policy that his Government would follow.

The Australian Agricultural Council is no more or no less than a meeting of Ministers from the various Governments, and those Ministers express the policies of their Governments at the time. No Government is completely committed for all time to a policy that cannot be changed, and a Minister representing a Government at the conference must be able to state any change of policy by his Government. I put it that this does not amount to a breach of an undertaking. It is all very well for the Australian Agricultural Council to be known by that highfalutin title: the fact that it has such a title should not be allowed to confuse the issue and to have it thought that it has some basic function as a policy-making authority that commits the Ministers at the meeting to the council's decisions for

all time. That does not apply to any meeting of Ministers, as I think the honourable member knows, so I do not think it fair to the Minister of Agriculture to describe his announcement as a breach of an undertaking.

However, the main question is whether the postponement of the removal of quotas until 1976 is acceptable to this Chamber. I think I can say that most members consider that that time is too far distant and that it is not acceptable. It is all very well for the member for Davenport to make snide remarks about the Government's altering its position since the legislation was last before us and about our policy that quotas should be removed as from February 1 next year. The honourable member criticised the Minister of Agriculture for resiling from the earlier point of view and for having stated, "What about May 1?" That is a change of position, and I make no apology for it. The Minister's job is the art of the practical, and I do not think it fair for the honourable member to make a snide remark about the Government's changing its position and for him then to change his position dramatically. Originally, his position was that quotas should be removed on only poly-unsaturated margarine from July 1, 1975. Now he wants us to support the Legislative Council's proposal to remove all quotas at a time later than that.

Mr. Dean Brown: With an increase of quotas in between.

The Hon. HUGH HUDSON: There is nothing in the legislation about that.

Mr. Dean Brown: That's because there can't be.

The Hon. HUGH HUDSON: Regardless of whether that is so, there is nothing before us about an increase of quotas in the period in between. The Government has a right to expect a better time to be fixed than July 1, 1976, and I hope that members support the motion so as to solve the problem.

Mr. NANKIVELL: Being associated with a company in this State that makes butter, I point out that, when this company was approached on behalf of the Government to make dairy blend, it was agreed that a period of grace would be given. The product would not be readily saleable, because it would cost more than butter. Whilst it has advantages regarding spreadability, it is doubtful whether housewives will seek it, particularly as it will not come on to the market until well into summer. The Minister did agree to give some grace on the introduction of the product to see whether it could be promoted. The amendment sent to another place implies that no grace shall be given but that quotas shall be removed on margarine at the same time as permission was given to any interested parties to manufacture a blend.

One of the matters we have dealt with in this series of legislative measures makes it possible for vegetable oils to be mixed into a product in a chum in a registered butter factory. We did not make it possible, as I understand, for people who manufacture margarine to make butter blends in their churns, but I would stand corrected on that. Notwithstanding that, so far as this product is concerned, I believe we are dealing with State legislation, so there is no great advantage in delaying the introduction of legislation to abolish quotas, because we import large quantities of butter into South Australia.

However, New South Wales and Victoria, particularly Victoria, are concerned about action that may be taken unilaterally in this State. Regarding this legislation, I am concerned that it is restrictive, as has been suggested, to retain quotas for an indefinite period or until 1976 and then lift them progressively. As I see it, and as it is well stated in today's *Financial Review* under the heading "Liberals Oppose Dunstan Government on Margarine Quotas", it would seem we are playing very much into the hands of Unilever. I cannot completely understand Unilever's attitude on this matter, because it would seem to be better for the company if it were just to let the matter ride, as Unilever has the entire table margarine quota for South Australia, so it would benefit.

The Hon. Hugh Hudson: Will it gain from the lifting of quotas?

Mr. NANKIVELL: In South Australia, Unilever has the sole licence at this moment.

The Hon. Hugh Hudson: At this moment?

Mr. NANKIVELL: Yes; and it is in a good position.

Mr. Dean Brown: The undertaking we've asked for is for everyone to be licensed.

The Hon. Hugh Hudson: That would supply a stimulus and create employment opportunities: the Government would go along with that, and you should support it.

Mr. Mathwin: It's a pay-off for the unions!

The Hon. Hugh Hudson: You supported it.

Mr. NANKIVELL: The *Financial Review* states:

> Main target of this opposition appears to have been Unilever group which, through its subsidiary, E.O.L. Proprietary Limited, has garnered the major share of the unrestricted cooking margarine market.

That might be the point to which the Minister is referring indirectly. So not only has that company sewn up the cooking margarine market in Australia, but at present in South Australia it has the sole licence for manufactured table margarine. I fail to see why the company is not interested in preserving the present situation. However, be that as it may, I suggest to the Minister that the Government should, in all fairness, be thinking of industry in South Australia. I understand that the dairy industry is not raising an objection to the lifting of margarine quotas but that butter manufacturers have some reservations because they are at present forced to buy butter and are empowered to make a blend but would, however, be prevented from making margarine in their butter churns if the margarine quotas were lifted.

As the legislation covering margarine and butter stands, churns have to be 90 metres apart, so I believe that is an unfair restriction so far as the legislation we have passed is concerned, as we are preventing other people who are equipped to manufacture margarine from doing so if they wish, and I refer to the butter manufacturers in this State. I believe that amendment needs to be looked at. If the quota was lifted as is proposed, forthwith, dairy blend would probably not be produced.

My position in this debate is a middle course, I do not believe that it really matters to the industry exactly what happens in South Australia, provided that the people involved in making table butter and blend spreads in South Australia are given a fair go. I believe there would be an injustice to these people if it were intended to lift both quotas at the same time and to encourage people to make a product, such as a blend, that might not be marketable, but at the same time preventing them from making an alternative product, such as margarine, if they have the capacity and desire to do so. With those reservations I support the Legislative Council's alternative amendment.

Mr. McANANEY: I support the Legislative Council's amendment, but on different grounds from those raised by other members. I believe it has been established during debate in both Houses that margarine is made from a blend

of oils made from peanuts and other ground nuts. I favour lifting the quotas, but not until legislation is introduced setting out the material from which margarine is made and the intentions of the Government regarding labelling and separation. The Attorney-General claims to believe in consumer protection. If he does not support my suggestion fully that margarine should be properly labelled to enable the consumer to know what he is getting, I oppose its being marketed. I understand that in Sydney, with rapidly rising prices, margarine is selling for over $1 a pound because manufacturers are claiming that it has almost magic properties. However, there is no evidence to show how it is different from other margarine. Anyway, we all know the mentality of some people: if one buys something that is costly, it must be better. That is why I oppose the immediate lifting of quotas until proper legislation is introduced to make manufacturers state clearly what are the contents of margarine.

Mr. DEAN BROWN: I have two questions to direct to the Minister. First, will the Government give an absolute undertaking that any existing margarine manufacturer in Australia who applies for a licence to produce in South Australia will be allowed to produce as from the day the quotas are lifted? Secondly, is the Minister aware that it is the policy of his colleague in the Commonwealth Government (one which the Premier is going to Queensland next Friday to support) that quotas shall not be abolished within Australia until July 1, 1976. This policy, enunciated by Senator Wriedt, is also supported by the Commonwealth Labor Government's Green Papers. I pointed out recently that the Commonwealth Government, which had been conducting an inquiry into the Australian dairying industry, had recommended that margarine quotas be abolished over a six-year period. That policy is somewhat different from this State Government's policy. Why is this Government willing to throw aside expert advice from an impartial man, Sir John Crawford, and adopt a policy of throwing out the quotas with the bath water?

The Hon. HUGH HUDSON: The principal Act contains no restriction of any kind on the right of any person to apply for a licence to manufacture margarine. The only problem at present is the quota of about 711 tonnes on table margarine, and that is for Unilever. Once the quota has been abolished, there will be no restriction, particularly of an economic variety, on the right of anyone to apply for a licence to manufacture margarine, but any factory making margarine must comply with the standards of hygiene laid down by the Health Department. Regarding any applications made to manufacture margarine in South Australia after the quotas have been abolished, the Government will consider them sympathetically. However, I cannot say that all possible licences will be granted but, certainly, we would want to see a stimulus to employment arising in South Australia from the lifting of quotas.

Regarding the honourable member's question, I am aware that it is Commonwealth Government policy not to lift quotas before July 1, 1976. The Government and I have been aware of that policy all along. In view of the comments of members opposite about the Commonwealth Government, it is amazing to find that they have adopted the policy of that Government on this matter: they find it convenient to do so, and are horrified that the State Government has a somewhat different point of view from that of the Commonwealth Government. That merely shows the degree of independence in the formation of Government policy. I do not apologise for the fact that our policy on this matter is not completely in line with that of the Commonwealth Government, but I find it passing strange that, although members opposite and members in another place have had so many rude remarks to make about the Commonwealth Labor Government, they can support the retention of margarine quotas until July 1, 1976.

Mr. Millhouse: I'm surprised that you're surprised at anything.

The Hon. HUGH HUDSON: I admit that I have not had the experience of the Liberal Party in South Australia that the honourable member has had. Having an intimate knowledge of its workings and machinations, he could no doubt give us—

Mr. Mathwin: Tell us about the margarine pay-out made to your Party by Unilever.

The Hon. HUGH HUDSON: Having heard a half apology from the member for Davenport, following on an objection taken by Unilever to his remarks, the member for Glenelg is now making the same charge. Undoubtedly he will receive a letter asking for a withdrawal and I hope that, on receiving it, he will apologise. Our position has been made clear all along: we believe that quotas should be lifted before July 1, 1976, and, if that is done, a very valuable stimulus can be given to employment in this State at a time when it is urgently needed.

Mr. DEAN BROWN: Our acceptance of the amendment might show that occasionally the Commonwealth Government sees the light given by the Liberal Party. We have never said we are perfect, but we admit that the Australian Labor Party is incorrect for about 99 per cent of the time. We must be invariably correct, because the Commonwealth Government has just adopted this part of Liberal policy. It is interesting to see that Mr. Whitlam is now adopting most of the policies put forward by Bill Snedden at the most recent Commonwealth elections. In another area the State Government's Commonwealth colleagues have seen the light and accepted a Liberal Party policy in this respect.

Mr. NANKIVELL: I hope that the Government will consider my observations when further considering this legislation. One observation has already been referred to by the member for Davenport and the member for Heysen, namely, labelling, so that margarine in future will be properly packed and labelled and people will know exactly what they are buying.

The Hon. Hugh Hudson: Under the Food and Drugs Act?

Mr. NANKIVELL: Under whatever Act is applicable. Regarding the removal of quotas, the Government should consider the industry's productive capacity to take advantage of vegetable oils at a time of a shortage of butterfats, such as could occur in the coming autumn and in the future as a result of the production change taking place in Victoria, which is going into dry milk powder, casein, and other products. I would therefore ask the Government to consider amending the two Bills we have already passed with respect to the manufacture of margarine in butter factories.

Mr. DEAN BROWN: The Minister has implied that, if this legislation is passed and quotas are abolished in May next year, we shall be establishing a valuable margarine industry in South Australia. It should be pointed out that such an industry could not be established before May next year, and it therefore would not relieve the present unemployment crisis.

The Hon. Hugh Hudson: There would be a stimulus to employment before May 1.

Mr. DEAN BROWN: Secondly, I have been told by one of the largest margarine manufacturers in Australia that it would not be economical to produce margarine continually in South Australia for Eastern States markets. When other States break down the quotas, margarine would not be produced in this State for those markets, and it was made clear to me that eventually margarine would not be produced in this State, because its manufacture would be centralised either in Sydney or Melbourne. The Government foolishly believes it will establish a new industry in this State, but this will not be the case, as it is possible that the present margarine manufacturer here will be removed. The manufacture of margarine has not been centralised before this, because some States have had various quotas and it was therefore necessary to manufacture margarine in each State. I hope the Minister appreciates those points.

Mr. McANANEY: Can the Minister give an assurance that legislation will be introduced to ensure that margarine is properly labelled in South Australia so that consumers will not be hoodwinked?

The ACTING CHAIRMAN (Mr. Crimes): That question is not relevant: it is a matter for comment only.

Motion carried.

The following reason for disagreement to the Legislative Council's alternative amendment was adopted:

Because the alternative amendment provides for an unnecessarily long period to elapse before the necessary legislation comes into operation.

ABORIGINAL LANDS TRUST

Adjourned debate on motion of the Hon. L. J. King:

That this House resolve that, pursuant to the final proviso of section 16 (5) of the Aboriginal Lands Trust Act, 1966-1973, it hereby authorises the sale by the Aboriginal Lands Trust of the land comprising 23 Elizabeth Street, Maitland, certificate of title register book, volume 2723, folio 118, to the Point Pearce Housing Association Incorporated; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from November 12. Page 1902.)

Mr. RUSSACK (Gouger): I support the motion, as it is a requirement of the Aboriginal Lands Trust Act, although the Minister of Community Welfare referred to the following proviso:

Provided that no land vested in the trust may be sold unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorised such sale.

It seems that a house situated at 23 Elizabeth Street, Maitland, Yorke Peninsula, was purchased by the Aboriginal Lands Trust with money made available by the Government, and this house is occupied by the supervisor of a farming operation at Point Pearce. I understand that the administration of the farming operation at Point Pearce has been changed.

The Hon. L. J. King: It is about to change, actually. In my second reading explanation I said that it had changed, but I was wrong.

Mr. RUSSACK: As the management is about to change, perhaps the Minister in his reply could indicate who will be in charge of the operation in future. As the change is imminent, the house is no longer needed for the purpose for which it was purchased and it is to be sold to the Point Pearce Housing Association Incorporated for $12 500, the price recommended by the Land Board. Also, will the Minister say who will occupy this house in future? It seems to be a matter of mechanics now, because the Aboriginal Lands Trust Act requires that approval of both Houses of Parliament must be given for any sale of property that has been held by the trust. I have spoken to representatives of councils in the area, and they do not seem to be concerned about this matter. Opposition members do not object and, on their behalf, I support the motion.

Mr. MILLHOUSE (Mitcham): I am surprised that you, Mr. Speaker, gave the call to the member for Gouger. The debate was adjourned by the member for Goyder, whose name is on the Notice Paper, and I would have expected that he would be called on.

The SPEAKER: Order! The honourable member for Mitcham is not the honourable member for Goyder.

Mr. MILLHOUSE: No, Sir, but so far as I am aware you have taken no cognisance of the fact that the member for Goyder is not in the Chamber. He took the adjournment on this matter, and my experience has been that the Speaker calls the name of the member who has taken the adjournment and, if that member is not present, you call someone else. I was on my feet, and that is what I expected to happen.

The SPEAKER: I used my discretion.

Mr. MILLHOUSE: I wondered why, but there it is.

The SPEAKER; Order! The debate will not continue on those lines.

Mr. MILLHOUSE: Unfortunately, the member for Goyder has had a serious accident: he is not present now and will not be present for a few days. He had deputed me to speak on his behalf, and I thought that the normal practice would be followed that had been invariable since I have been a member of the House. However, you saw fit—

The SPEAKER: Order! The honourable member should speak to the motion.

Mr. MILLHOUSE: The member for Goyder has fractures in both his feet caused by agricultural equipment falling on him last Saturday and he will be in hospital for several days, if not longer. That is why he is not here to speak on this motion, on which he obtained the adjournment. The member for Goyder has telephoned me and asked me to speak on his behalf, as this is a matter that arises in his district.

The SPEAKER: Order! This is a motion the House is dealing with. With all due respect to the accident of the member for Goyder, we are dealing with a specific motion.

Mr. MILLHOUSE: I am just about to say—

The SPEAKER: Order! The honourable member will speak to the motion or not at all.

Mr. MILLHOUSE: —that the member for Goyder has asked me to say that he supports the motion. He has inquired about it of the councils in his district and it is, to use the words he used to me and which I now pass on to you, Mr. Speaker, a machinery motion, and I am glad that the so-called Liberals, speaking through the member for Gouger, a neighbouring district, also support the motion.

Mr. EVANS (Fisher): My colleague the member for Gouger said the Liberal Party supports the motion, and I support those words. In a passing reference I ask the Minister of Community Welfare whether his department has made any decision about the land that belongs to Colebrook Home which I believe has been passed over to the Aboriginal Lands Trust. I support the motion and I am glad the so-called movement also does the same.

The Hon. L. J. KING (Minister of Community Welfare): I would not so far try your patience, Mr. Speaker, as to deal with Colebrook Home. If the honourable member cares to ask a question at the appropriate time, I shall be happy to supply him with the information. The only matter arising out of the debate is that raised by the member for Gouger as to the future occupancy of this house and the future management of the farm.

Before dealing with those matters, I express my regret to the House for the fact that I made an inaccurate statement while explaining the Bill, when I said the Aboriginal Lands Trust had ceased to operate the farm at Point Pearce. In fact, after making that statement, I have learned from a deputation of residents of Point Pearce who came to see me about the farm that, although agreement has been reached that the management of the farm is to be transferred from the Aboriginal Lands Trust to the Point Pearce council, the date of the transfer is still the subject of negotiation between the council and the trust. The trust will soon cease to operate the farm and the council will take over its management. However, the trust no longer has a farm manager in its employ and this house at Maitland, previously occupied by the farm manager employed by the trust, is now occupied by the Aboriginal housing society manager and, as I understand it, the society intends that it will continue to be occupied by the society's manager. It does not bind itself to that: it can be occupied by anyone to whom the society cares to let it.

There is a further possibility arising from the fact that currently the Point Pearce council and the Port Pearce Housing Association are negotiating to combine and the constitution of the Point Pearce Aboriginal Council may soon be amended to enable it to assume the functions now fulfilled by the society, so that there will be only one Aboriginal body fulfilling the functions. That appears to be the wish of the residents of Point Pearce.

Motion carried.

MANUFACTURERS WARRANTIES BILL

Adjourned debate on second reading.

(Continued from September 12. Page 923.)

Mr. COUMBE (Torrens): This is a curious Bill to say the least. It is very much like the proverbial curate's egg: the more you look into it the less palatable it becomes. I say that in all seriousness. The Bill was introduced on September 12, nearly 10 weeks ago, and then suddenly dropped from the Notice Paper. I wondered why that happened. I am firmly of the opinion that, if this Bill is ever to pass this House (and I am not sure that it should), it requires major surgery because of its many grey areas, the doubts and conflicts which appear in the Bill itself. I wonder whether it could operate as effectively and fairly as the Minister wants it to.

It is possible that certain clauses of the Bill could conflict with the existing legislation, both Commonwealth and State: for example, section 71 of the Restrictive Trade Practices Act, the Sale of Goods Act, the Food and Drugs Act, the Weights and Measures Act. It is even possible that the Second-hand Motor Vehicles Act may be affected by it, as well as some of the legislation under the jurisdiction of the Minister of Labour and Industry: for example, the Sale of Furniture Act and the Textile Products Description Act.

In another *quasi* legislative field certain standards may be affected. Those of us who are familiar with the Standards Association of Australia will know that certain standards designed by that organisation are adopted by legislation and practice throughout Australia as bench marks. These legislative aspects indicate that in this area alone all is not plain sailing and that substantial amendment may be necessary to solve some problems that could arise should the Bill pass in its present form. Therefore, before dealing with other features of the Bill I strongly suggest to the Minister that, before proceeding to the Committee stage, he hold the Bill and examine it in more detail with a view to introducing significant amendments to improve it so that it might be made to work.

The Hon. L. J. King: I intend to defer consideration of the Bill in Committee to enable me to consider what has been said in this debate.

Mr. COUMBE: Appreciating what the Minister has just said, I will try to make some helpful suggestions. Let me say clearly what is the view of the Opposition on consumer protection generally. It is Liberal Party philosophy to ensure that the law maintains a proper balance between the supplier and consumer and that it gives protection against unfair or dishonest business practices. The law should provide protection against false, inadequate or misleading advertising, packaging and labelling. We must promote the establishment and maintenance of high standards of goods and services. I state these principles so that I will not be misunderstood when I comment on features of this Bill which I believe fall short of these objectives, or which cannot effectively operate, or which place undue restrictions on certain sections of the community. Having said that, I want now to examine the philosophy of the Bill in principle.

The Attorney, no doubt, logically believes that this measure complements the general consumer-protection type of legislation that he has introduced from time to time: many of these Bills have had the support of the Opposition. He undoubtedly believes that this Bill adds to the Consumer Transactions Act and the Consumer Protection Act. I believe that is his motive in introducing this Bill. However, members of my Party and I have serious doubts whether this Bill will achieve that purpose.

I contend that it is unnecessary, especially in its present form, because of the warranties which presently exist and which are issued by the manufacturers, because of the other legislation to which I have referred, and because of the serious doubt in my mind that it will not remedy the alleged faults that it appears to seek to remedy. Some difficulties can be experienced because this Bill applies only to South Australian manufacturers, or those who sell their products in this State. Admittedly, the vendor or retailer is liable, under the Bill, to action, but when we consider the case of imported goods from other States and particularly overseas we can readily see the sheer physical problems that can arise, apart from the additional cost that may have to be included to cover possible contingencies to meet the requirements of certain aspects of the warranties specified.

Basically, the Bill seeks to provide a remedy whereby the consumer (who is defined), if dissatisfied in his mind, would be able to sue the manufacturer, instead of the vendor or retailer. It is curious to note that, for imported goods, the retailer is designated the manufacturer. What is the position where goods are manufactured, for instance, in Victoria and sold retail here by a vendor? I presume the same condition applies. Generally, imported goods are considered to be goods imported from overseas or from another State. I can see complications arising immediately because the Bill can apply only to South Australia, although it does not affect a South Australian manufacturer who sells his goods in another State or overseas.

We also come up against another problem when we look at the warranties set out in relation to component parts of a finished product. It would appear that, even if a manufacturer provides a warranty for the finished product, any components that he buys and incorporates in his equipment must be covered, even bolts, screws, brackets, steel, and the like, when he cannot possibly, in some cases, obtain a warranty from the component manufacturer or secondary supplier. There will be a problem in the case of a manufacturer who is supposed to provide a warranty to cover the entire product. Later in the Bill exclusions are provided, but at this stage I am referring to definitions.

Spare parts are referred to. Sometimes they may not be available from the secondary supplier or the oversea supplier. Only too frequently in the last year or two people have found that they simply cannot obtain spare parts. The reason may be a shortage of material or labour, or a change in the operations of a factory. However, spare parts have not been available. In addition, there is a problem in relation to metrication. Not all manufacturers have changed over to metric units, and probably some will not do so for some time. I do not know when the Attorney intends that this legislation shall be proclaimed. However, before long it will be impossible to obtain products in imperial measurements or dimensions. Even after the Bill is operating, if imperial unit parts are included in the product being merchandised it will be impossible to obtain certain spare parts in those measurements.

It is interesting to examine the definition clause. In this context it would be fair to say that any reputable manufacturer is willing to put his name on a product and to issue in most cases a type of warranty, but in so doing he needs some protection, in the same way as a consumer needs protection against an unscrupulous operator. I understand that what occurs in trade practice or mercantile law when a warranty is given is normally as follows: A general warranty is given against claims of all persons. A special warranty is an undertaking or assurance expressed or implied in certain contracts, or an express or implied undertaking by the vendor that the thing sold fulfills certain specified conditions. A guarantee is given by a person who makes a contract to see performed what another has undertaken under that contract, or a written undertaking to be responsible for something. The Bill deals with both express warranties and statutory warranties, as well as written warranties. There is a plethora of warranties. The definition of "express warranty" seems to be extremely wide in its implication. For example, it refers to claims which a salesman employed by a retailer makes and of which the manufacturer has no knowledge or control, and the burden thus comes back to the manufacturer.

I acknowledge immediately that the legal concept normally is that the manufacturer should be responsible for all things of which he would have been aware if reasonable care had been taken (for example, if through his negligence he fails to do something). When we look at the definition of "written warranty", we see that the only reference in the Bill is to the first sale. This seems extremely peculiar, and I ask why it is so. What is the position regarding subsequent sales, or a hiring out by a retailer? What protection is there for the manufacturer? I contend that both definitions require close re-examination.

The definition of "consumer" applies equally to a person or a corporation, and that, again, is all-embracing. In the definition of "manufactured goods" of a value less than $10 000, there should be provision for shop use. I think the Minister knows that I am referring to such items as demonstration models. It also seems that the Bill is vague in regard to secondhand goods. It certainly is fairly wide. I have referred already, when dealing with the manufacturer, to the problems about imported goods and components, but I also consider that the matters of trade mark rights and patent rights need examining. These are matters that are lucrative for the legal profession in litigation. We should examine these provisions carefully to see that the position is clear regarding such rights.

Clause 4 should be amended. It refers to goods sold by retail, but there is no reference to the transaction being the first and only sale of the goods. The Minister should examine that matter. We have the term "merchantable quality", but I do not know what that means. For how long will it apply? What is a reasonable time? There could be variations from product to product or within a total product, because a court would interpret the word "reasonable" logically, and the statutory warranty would be expected to apply for a period beyond the first sale. Difficulties could be experienced in this regard.

We really encounter difficulties in clause 4 (2). Except when a manufacturer supplies direct to a consumer, the goods are handled through an agent, a vendor, or, as in this case, the retailer. The manufactured goods immediately pass from the control of the manufacturer. It can be done on the signing of a cartnote when the goods are delivered or picked up, and the cartnote legally can state that the goods were in good condition at the point of delivery. Normally, that is accepted by both parties.

The Bill deals with all types of product, not only machinery. It covers foodstuffs, furniture, motor cars, and anything else termed manufactured goods. In this case, the goods will pass from the manufacturer to the retailer, the vendor, so the manufacturer will lose the physical control. When the goods go into a store, the manufacturer will have no physical control over them from then on, and in most cases it will be impossible to check what happens to them. A manufacturer in Adelaide may send goods to Mount Gambier, Port Pirie, or the Riverland, and he will have no knowledge of what happens to them. He should be protected not only in cases where goods are not used for the purposes specified or used according to instructions, but in all fairness he also should be protected (I am referring now to the warranty) against the warehouseman or the retailer. I say that despite the exclusion clauses later in the Bill. This matter is important. Clause 4 (2) provides:

> For the purposes of this section goods are of merchantable quality if, at the time they leave the control of the manufacturer, they are reasonably fit for the purpose for which goods of that description are ordinarily used.

Even that provision refers to the goods leaving the control of the manufacturer. He loses control of them immediately they leave his store or are delivered or picked up. I put this forward as something that really needs examining and improving. A retailer may display or store a product in a window for longer than 12 months. This happens, and the product may be exposed to hot sun. If it is fabric or furniture, it can fade or warp. Some warranties that I have seen do exclude certain types of fabric. Furniture could warp or fade, and the manufacturer may not know what has happened to it while it is in the warehouse. If it were machinery (it may be a pump, an electric motor or a new type of mechanical equipment) that is stored in conditions that I have suggested (perhaps in a country town similar to one where I saw machinery stored in a stock agent's window for more than 12 months in the hot sun), grease or oil in ball bearings could dry out easily, with the subsequent failure of the equipment.

Mr. Payne: Do you think that's possible?

Mr. COUMBE: I have seen it happening. With perishable goods or foodstuffs, the manufacturer or producer could make sure in many instances that they are labelled and state what should happen regarding their storage. The merchandise may not be stored correctly or it may not be chilled to the proper extent: two extremes that I have cited that could be completely beyond the control of the manufacturer. I therefore suggest to the Attorney that, if necessary, we should amend clauses 4 and 5 to provide a defence for the manufacturer or his agent if he can prove that any of the manufactured goods coming within the ambit of the clauses were of a merchantable quality when the goods left his or his agent's control and were delivered to a vendor for retail sale. An alternative, which is used commonly in law, could provide that it would be a defence if the manufacturer proved that he had no knowledge of or could not, by the exercise of reasonable diligence, have prevented the goods being other than of merchantable quality.

Such a provision could be included despite clause 5 (2), which relates to statutory or express warranties only. Why have written warranties been excluded in relation to certain goods? It seems rather strange to me, and it is not in keeping with other facets of the Bill. Clause 6 deals with exclusions of liability, to which I have referred previously when dealing with spare parts. A manufacturer should be able to exclude his liability in certain cases. Similarly, so should a consumer if he desires to waive his rights under a warranty.

The Bill provides for the manufacturer to take reasonable steps to ensure that the customer will receive notice of certain exclusions. I point out to the Attorney that it is not normal trade practice for a manufacturer to exclude his liability by asking a customer to sign a statement that provides that the customer was satisfied with his purchase at the time of the sale. The same applies from the consumer's viewpoint as to the belief that the purchased goods will suit his needs. After all, that is what the clause implies: the opting out principle.

We could have to face the question of the abuse of a product. Unfortunately, many of us have seen instances where a product is abused, neglected, or is used in a manner expressly not recommended by the manufacturer. This clause seems to be unworkable in its present form, and I believe it needs to be amended because it is impracticable at present for either the consumer or the manufacturer. Could we have the case of a consumer writing out an exclusion that he believed the goods were acceptable for what he wanted? I do not think he could. Clause 7 deals with the rights of the vendor and impinges on some of the comments I have already made. The manufacturer must have some redress if a vendor does not comply with the conditions of a warranty. That is what this clause in part sets out to do.

Admittedly, with some foodstuffs, the vendor may not know of a possible defect; he is not going to open each jar of yoghurt that he puts on his shelf to see whether it is defect-free; however, he should obey the conditions of shelf-life or the instructions that go with the commodity. After all, it is a common practice in the marketing of foodstuffs. What I have said about foodstuffs applies equally to other products that can be purchased. One can see the wide implications of the Bill if one walks into one of the stores in Rundle Street and sees the wide range of goods offered for sale. It can be seen, therefore, that this Bill covers a wide cross-section of products that are manufactured in South Australia. Clause 7 should be amended because it deals with people who buy various products that may be purchased on different types of credit. People may purchase goods with cash, or on terms, hire-purchase, lay-by, or whatever system they wish to use. Motor vehicles are usually bought under hire-purchase. With such a wide range of products, do not let us fool ourselves into believing that we are talking about mechanical products only.

Clause 8 deals with advertising, and we must be careful that this important aspect is borne in mind. To be fair, I believe that an amendment should be included to cover the manufacturer or the person authorised to act on his behalf. Retailers could easily exceed the warranty provided by the manufacturer by making wild and extravagant claims, of which the manufacturer might have no knowledge. Although defences are provided in the Bill, such unjustified claims could still be made. I believe that the manufacturer would be the first to complain, apart from the consumer.

I pose the question of whether the trade practices legislation and possibly the Unfair Advertising Act are involved in the clause, because I believe that both measures could be caught by it. I believe that safeguards should be built into the clause to ensure that advertising is fair, and not misleading. Clause 8 (2) again reverses the onus of proof provision. I regret that the Government is including this principle more and more in legislation. Although I believe that the onus of proof should be reversed at times, I regret that it is becoming more widely used by the Government in legislation it introduces. As onus of proof is an important and integral part of our British system of legislation, I regret to see so much of the reversal of that principle being introduced by the Government. Clause 9, the regulation-making provision, is all-embracing, but I accept the view that not every detail can possibly be written into the Bill. I hope that, when the regulations are introduced, Parliament will scrutinise them carefully.

Summing up, I have tried to canvass the Bill from the points of view of the consumer, manufacturer, and vendor (the three parties involved) in an attempt to see whether it can be improved. I seriously doubt the necessity for the Bill at all in certain circumstances but, if we have such a measure, it must be fair and capable of being put into practice. There is no use having a Bill that cannot work. This Bill must be made to work in such a manner that it is practicable and enforceable. We must have laws which can and will work, which are fair to all parties concerned and which at the same time do not impose additional costs on the consumer.

I do not believe that the Bill in its present form meets the criteria I have enumerated for any of the trinity of parties concerned in the transactions we are discussing. I believe that the Bill should be reconsidered and amended substantially, and I have the Minister's assurance that that will be done. I was going to suggest to him that the Bill be passed to the Committee stage and remain there to enable him to consider the points I have made, in addition to those that the member for Davenport will make later. I suggest that, as the Bill is too important a measure to pass without major surgery, the Minister leave it stand until the session is resumed next February, to enable him, and anyone else who wants to make representations to him, to bring forward any of the contentious points which I have enumerated, as well as other points that may be made later.

As we are dealing with South Australian products being sold in South Australia, the problem of component parts is involved, concerning which in some cases a producer or manufacturer could not possibly obtain a warranty, but

he will be expected to give a warranty for the finished product. As in some cases he will give a guarantee for spare parts, I point out the problems of metrication and of goods imported from overseas and from other States. I have already said that these defence clauses should be written into the Bill. I am glad to have the Minister's assurance that the Bill will remain on the Notice Paper for consideration because, in its present form, it could be unfair to the consumer, the vendor or the manufacturer.

Mr. DEAN BROWN (Davenport): Before dealing with the Bill in detail and the comments of the member for Torrens, I will deal with the attitude of Australians, because it is well known that the Australian's attitude is one of "She's all right, mate; second best is quite acceptable.'' The Bill relates to the quality of manufactured products, the materials going into the making of those products, and the workmanship involved. I sincerely support the Government's attitude that the consumer be protected. The consumer should be protected against faulty workmanship and materials used by manufacturers, and that is what the Attorney-General is trying to achieve by the Bill. However, equally the manufacturer must be protected against exactly the same degree of power, in the use of manufactured goods, by the consumer, because it is unfair to load all the odds in favour of the consumer against the manufacturer.

The general attitude of our society today is much the same as that of the western world. We are living in an age of disposability: we throw away an item as soon as it has served its useful life, often even before that. I point out the attitude of Alvin Toffler, who has been outspoken in enunciating this change of attitude in society today. It was Toffler who put forward the concept of transience and the idea that we have reached the stage of being a throw-away society.

Mr. Duncan: Are you adopting his views?

Mr. DEAN BROWN: I have just begun to speak about him. I accept some of his views and reject others, but I quote from his book *Future Shock* which, on page 59, states:

> As the general rate of change in society accelerates, however, the economics of permanence are—and must be—replaced by the economics of transience. First, advancing technology tends to lower the costs of manufacture much more rapidly than the costs of repair work. The one is automated, the other remains largely a handcraft operation. This means that it often becomes cheaper to replace than to repair. It is economically sensible to build cheap, unrepairable, throw-away objects, even though they may not last as long as repairable objects.

The second point he makes is as follows:

> Second, advancing technology makes it possible to improve the object as time goes by.

However, that does not refer to the provisions of this Bill. His third point is as follows:

> Third, as change accelerates and reaches into more and more remote corners of the society, uncertainty about future needs increases.

He then sums up the attitude of disposability and lack of permanency, as follows:

> The rise of disposability—the spread of the throw-away culture—is a response to these powerful pressures. As change accelerates and complexities multiply, we can expect to see further extensions of the principle of disposability, further curtailment of man's relationships with things.

Whether we like it or not, it is a fact that we have moved into the disposable era: it is cheaper to manufacture and replace than it is to repair. In considering this legislation, we must ensure that we are not whistling against the wind or somehow moving against the general trend of society. I do not decry the legislation because of that; I think there is a tendency toward disposability, yet the Attorney-General, by sponsoring this legislation, is trying to move in the opposite direction, depending on how the legislation is interpreted by courts.

I will refer soon to some of the general statements and definitions given in the legislation but, first, I refer to the Australian attitude. I have dealt with the attitude of western society, but the Australian attitude is "She'll be right, mate; second-best is acceptable." Because of our easy-going way, we accept second best as being satisfactory. I am disturbed that in recent years we have become a nation that is proud to be second best and uses only second-best efforts. We are willing to sponge on the Government, and the nation is willing to depend on Government aid and welfare. That attitude is unfortunate, because it tends to be a blot on the community and drags us down. The more people depend on the Government the less motivation there is among individuals and the less chance of Australia becoming a great nation. Under our present system we cannot become even a second-rate nation.

Mr. Mathwin: It's the basis of the system.

Mr. DEAN BROWN: It seems to be an Australian attitude to sell the country to the highest bidder, and to be willing to accept a higher standard of living today despite the effect it will have on us tomorrow.

Mr. Gunn: That's the Socialist philosophy.

Mr. Duncan: It's Liberal philosophy to sell the country to the highest bidder.

Mr. DEAN BROWN: I do not accuse the Socialist Government in this State and the Commonwealth of being the sole groups pushing this idea, although some of their policies have encouraged this attitude. However, it is an Australian characteristic and one we expect to have, although we should not accept it much longer. Australia cannot exist as an economic entity proud of its sportsmen, and with the belief that Australia is a good place in which to live, particularly in respect of its high standard of living, unless we are willing to give of our best, and that involves the time and effort we are willing to put into our work, as well as the quality of that work. Because we are discussing legislation relating to quality, I make this plea to Australians: for goodness sake discard second best and accept only the best. I have made some fairly general statements about Australia, but many comments have been made as to why Australians buy imported motor vehicles. A series of interviews on a television programme gave the impression that people bought imported motor vehicles because of the better quality of those cars. The member for Murray, by interjection, says that imported vehicles are of better quality. This is an unfortunate situation, as it seems to be part of the attitude of Australians that we are willing to accept the fact that, as Australians cannot produce high-quality goods, we will buy them from overseas.

Mr. Duncan: That's rubbish and you know it: the same problem exists in the United States in respect of the poor quality of locally produced cars.

Mr. DEAN BROWN: I am referring to the attitude portrayed in a series of television interviews. The claim made may or may not be correct, but I refer to the recent Industries Assistance Commission's report on passenger motor vehicles, etc. Produced on July 10, 1974, and referring to the quality of the Australian motor car, the report states, at page 60:

> Leyland and Chrysler stated that the quality of vehicles produced by the industry did not satisfy the standard expected by consumers but made no comment on the quality differences between local and imported vehicles.

That seems to suggest that the Australian consumer does not like the quality of Australian motor vehicles. The report continues:

Ford stated that its Australian-produced vehicles had fewer faults a 100 vehicles than Ford vehicles manufactured in Britain but more faults than Ford vehicles manufactured in the U.S.A. and Germany, F.R.

The member for Elizabeth is wrong in saying that Australian motor vehicles have fewer faults than do American cars.

Mr. Duncan: I didn't say that. Americans have the same complaint: the quality of cars produced in America is of a low standard, and that is similar to the complaint made by Australian consumers.

Mr. DEAN BROWN: I am producing evidence that suggests that, although Australia may not be the worst nation on earth, it may be far from the best. The report continues:

Most local vehicle manufacturers and assemblers indicated that steps had been taken to improve the standard of their products. More stringent quality control procedures had been introduced for in-house and brought-in components and for finished vehicles before delivery to dealers. While there was some criticism of the quality of local components, particularly by A.M.L, Motor Producers, Nissan and Ford, manufacturers and assemblers appeared to be more concerned with supply problems than with quality. On balance, the evidence on the relative quality of Australian vehicles was inconclusive but there is obvious scope for improvement.

I make that point, because I would not like to accuse Australians of being the most shoddy workers on earth, but, as there is scope for improvement, I hope Australians accept the challenge. Quality relates to two specific areas: the quality of materials, standards and designs; and the quality of the workmanship put into the manufactured goods. The first is controlled largely by the company and the policies of the company, so the responsibility must lie largely with management. The responsibility for the second lies largely with the attitude adopted within the company and must therefore lie both with the worker and with management. I think it is largely determined by the attitude of the worker towards the company.

For the benefit of the unionists opposite, I am not blaming the trade unions for this: I see the responsibility lying with both the management and the worker. I think the best way of solving this problem is through worker satisfaction and worker participation in his job, so I support the policy of the State Government to improve worker participation within all industries in this State. We cannot legislate for worker satisfaction and worker participation. We do not legislate to make a person more satisfied with his job: it is absolutely essential for that to be achieved on a voluntary basis. My great fear, if it is legislated for, is that it will have the reverse effect and will build up barriers that do not exist now. There could be nothing worse than legislation for worker satisfaction or worker participation being introduced in this State. What will the effects of this legislation cost industry in South Australia? During the last 10 quarters the rise in the South Australian consumer price index has been the highest rise in Australia.

Mr. Gunn: That's something to be proud of!

Mr. DEAN BROWN: It concerns me greatly because of the effect this has had on manufacturing industry in this State. Legislation on workmen's compensation was introduced this year, but it has had a disastrous effect on certain manufacturing industries, particularly the housing industry, although that may not be classified as a manufacturing industry. On this side we claimed it would increase the cost of a house by about 8 per cent, but that was denied by both the Minister of Labour and Industry and the Premier.

The SPEAKER: Order! The honourable member must link this up with the legislation.

Mr. DEAN BROWN: I am saying we made certain claims as to the cost of that legislation to South Australian industry. Can the Attorney-General say what will be the cost of this legislation to South Australian industry? If this legislation is introduced, we can expect increases in prices. I will not accept that prices will not be increased at all, because it is stupid to think that. I am sure there will be an increase in the cost of manufactured goods sold within South Australia as a result of this Bill. It will also place manufacturers in this State in the position of having to manufacture to meet the standards of goods sold within South Australia, although at the same time they will obviously need to produce the same standard as goods for other States because it will not be worth adopting a second standard of manufacture for the markets in other States. The people of South Australia would have to pay the cost.

My greatest objection to this legislation at this time is that it will have a marked effect on the prices of consumer goods and it will have a marked effect on the consumer price index in South Australia at a time when unemployment is life within South Australia and Australia, when the inflation rate is running at 30 per cent a year (according to the *News* today), and when manufacturing industries in South Australia are tending to question their continued existence here and thinking of moving to other States. I quote the case of Australian Consolidated Industries Limited, which has sacked 50 people because it is changing the type of manufacture it carries out in South Australia. Companies such as Philips Industries Holdings Limited are moving out of South Australia to Sydney because they have lost the benefit of manufacturing in South Australia. Many companies that are expanding in other States are reducing their scale of operation in South Australia or are failing to expand.

Mr. Duncan: Which one is expanding in another State?

Mr. DEAN BROWN: I have asked the Premier's Department for the entire list of the companies involved and it has refused my request. There is a list and I will give it to the honourable member. We are being asked to accept legislation that would dramatically increase the cost of living here compared to that in other States. We have lost our main manufacturing benefit—a lower cost of living. If we adopt the same cost of living as, or a higher cost of living than, that applying in the other States, South Australia is doomed. We are principally a manufacturing State, and we must remain so at least for the immediate future because of the need to establish other jobs in industries other than manufacturing. I have heard the Premier express great concern about South Australia being so dependent on the manufacture of white goods and the motor industry.

The SPEAKER: The honourable member must link up his remarks with this legislation.

Mr. DEAN BROWN: I think I have brought forward an excellent reason for this legislation not being accepted at this time. I ask the Attorney-General to give an estimate of the cost to manufacturers of this legislation. I expect the increase in the price of consumer goods would be about 10 per cent or 15 per cent, but that is only a guess.

The Hon. L. J. King: Why should the prices rise merely because the manufacturer has to guarantee that his goods are of a reasonable standard?

Mr. DEAN BROWN: Such legislation must result in the increased cost of products. Although I support the principle of the legislation and the philosophy behind it, I do not believe now is the time to accept it and I do not believe we can accept it in its present form. I am willing to give the Attorney-General the opportunity to amend it drastically, so that I may reconsider the Bill on third reading. I must agree with the member for Torrens: I cannot see how it can be amended to make it suitable. I leave that to the Attorney-General because he has the expertise and the staff to do the necessary work. The definition of "express warranty" is as follows:

> any assertion in relation to manufactured goods by the manufacturer, or a person acting on his behalf, the natural tendency of which is to induce a reasonable purchaser to purchase the goods:

That means that a salesman on a sales floor will be the person explaining the express warranty. How can any manufacturer stop a salesman, who is fighting for his livelihood, from making glib, rash statements? No manufacturer should ever have to accept responsibility for such statements, yet under the Bill that is the requirement. Therefore, I ask the Attorney at least to strike out the express warranty. I do not believe that any manufacturer should have to accept that responsibility, and I think the Attorney must accept that opinion.

Members interjecting:

Mr. DEAN BROWN: Although members opposite have an opportunity to speak in this debate, obviously they will not do so, because they are nothing more than members of a voting machine. At least they should have the courtesy to allow members on this side to make their points.

The Hon. L. J. King: After Question Time today, that's a bold statement for you to make.

Mr. DEAN BROWN: The definition of "manufacturer" provides, in part:

> "manufacturer", in relation to manufactured goods, means—
>
> (*a*) any person by whom, or on whose behalf, the goods are manufactured or assembled;

Let us take the classic example of motor car tyres. Which manufacturer would have to undertake the warranty? I understand that, in the case of a new motor vehicle, the manufacturer of that motor vehicle would have to undertake the warranty. I believe that at present, if there are faulty tyres on a car, the owner goes to the manufacturer of the motor tyre, whereas this legislation places the responsibility back on to the manufacturer of the motor vehicle. This applies equally with regard to batteries and other items in motor vehicles. Many things have a trade name, and there is also a trade name on the motor vehicle. Therefore, I see great conflict in deciding who is to be responsible for undertaking the warranty. Can the Attorney say whether it is the manufacturer of the motor vehicle?

The Hon. L. J. King: Yes, the manufacturer as defined in the Bill.

Mr. DEAN BROWN: Apparently that is correct. I see great complications arising between the manufacturers of motor vehicles and other manufacturers, with a whole series of legal agreements needing to be established. This legislation will protect the jobs of solicitors, as it will produce the most unholy mess in the courts while they try to discover what it is all about. Paragraph (*d*) of the definition of "manufacturer" provides:

> where the goods are imported into Australia, and the manufacturer does not have a place of business in Australia, the importer of the goods:

That provision refers to importers of goods into South Australia; it must cover people who import manufactured goods into South Australia from other States.

Mr. Coumbe: It doesn't say so.

Mr. DEAN BROWN: True. If that is the case, the Attorney must look at the matter with a view to making an amendment. A tremendous onus is now put on manufacturers and, in this case, on importers. What is to stop importers simply setting up fly-by-night companies, as is not unusual? An importer could easily establish a company (the legal fees involved are only about $200 or $300) and import goods into Australia worth $2 000 000 or $3 000 000; this is not unusual in our present economic climate. However, six months later that company could dissolve and be liquidated, the profits having been taken out. In that case, the consumer has no-one to go back to with his claim. Yet the legitimate, responsible manufacturer in Australia must continue to carry the burden. I wonder whether this legislation will not tend to support the importer rather than the Australian manufacturer. In our present economic climate, Australia cannot afford that. Australian manufacturers, particularly those in South Australia, need all the support they can get, and I do not think anyone would disagree with that. Clause 4 provides in part:

> (1) Where any manufactured goods—
>
> (*a*) are sold by retail in this State; or
>
> (*b*) are delivered, upon being sold by retail, to a purchaser in this State,
>
> the manufacturer warrants—
>
> (*c*) that the goods are of merchantable quality; and
>
> (*d*) where the goods are of a kind that are likely to require repair or maintenance, that spare parts will be available for a reasonable period after the date of manufacture.

The provision that, at the point of sale, the goods must be of merchantable quality does not give sufficient protection to the consumer. At the point of sale, a vacuum cleaner may be working, but two weeks later it may have broken down. As I read this provision (and I seek the Attorney's advice on this), I see no protection for the consumer, because at the point of sale the goods may have been of merchantable quality. This clause provides that the date of manufacture shall be the applicable date. A retail store can have goods on hand for 12 months before selling them. Surely the time involved should therefore be from the date of sale rather than from the date of manufacture.

I could refer to other matters, but the Attorney has heard the points raised so clearly and validly by the member for Torrens, and he has a copy of a letter from the Chamber of Commerce and Industry (S.A.) Incorporated, as I have. Although I do not support all the claims made in the letter, I support many of them. The letter clearly points out the weaknesses in the legislation. I refer specifically to the furniture industry. No manufacturer can place a guarantee over cloth used. Invariably, it is purchased and supplied by the retailer, and I can see great problems involved in deciding what happens to goods while they are in the hands of a retailer. What guarantee does the manufacturer have that the materials have not been abused by either the retailer or the consumer? It is because of these areas of grave doubt that I cannot support the legislation in its present form.

The Hon. L. J. KING (Attorney-General): I have already indicated, by way of interjection during the remarks of the member for Torrens, that I intend to defer consideration of this matter beyond the first clause in

Committee to enable me to consider the matters raised in this debate and the submissions made on behalf of various interested parties. Nevertheless, I intend to take this opportunity of clarifying some of the issues and referring to some of the points made. The first thing to do is see this Bill in its proper perspective. At present, the law of this State contained in the Sale of Goods Act and the Consumer Transactions Act provides that goods that are sold carry with them several implied warranties, but the relevant ones are that the goods are of merchantable quality and are reasonably fit for the purpose for which they are purchased. Under the Consumer Transactions Act, where the price of the goods is less than $10 000, those warranties may not be excluded by the contract, so they are mandatory statutory warranties.

That means that a merchant who sells goods for less than $10 000 is bound to give those warranties. Over $10 000 the warranty is implied, but it can be excluded by special terms in the contract. That is the present situation with a vendor's and merchant's warranty. The manufacturer may give an express warranty, by which he would be bound, but, if he does not give an express warranty and if his goods are defective, the consumer, although he may have a right against the vendor, has no rights against the manufacturer, because there is no privity of contract, as it is termed, between the manufacturer and the consumer; in other words, there is no deal between them. The deal is between the merchant and the consumer and, of course, at an earlier stage, between the manufacturer and the merchant, or perhaps there have been intermediate transactions.

Therefore, the problem with which we seek to deal here is that goods may contain a manufacturing defect of some kind but the consumer has no remedy against the manufacturer because there is no contract between the consumer and the manufacturer. However, the consumer has a remedy against the vendor. If he gets the goods from the vendor and they are defective, he can sue the vendor, but sometimes the vendor is not available or is not solvent, and the consumer may have been sold a product by a fly-by-nighter, someone not easily identifiable, or someone who turns out to be insolvent, and the consumer is left without a remedy, even though clearly the goods have a manufacturing defect for which one would think the manufacturer should be liable.

In addition, under the Consumer Transactions Act, as I have said, the merchant cannot exclude his liability, so the consumer can sue him. If the merchant is available and solvent, a consumer will get his remedy, but the manufacturer may not be under a liability to that merchant, because there may have been an intermediate transaction and no privity of contract between the manufacturer and the vendor. In those cases, the purchaser is left, unjustly, carrying the baby, so to speak, if the defect is a real defect in manufacture.

That is the problem we are seeking to solve. The matter has been considered in other parts of the world, and I am indebted for an important report from the Province of Ontario regarding manufacturers' warranties. This is a problem that people concerned with this branch of the law have had for a long time. In this legislation, we are seeking to solve the problem of privity of contract, and to provide that, if the goods are sold in South Australia, not only will they carry the warranties that exist under the law from the vendor, but they must also carry the warranty from the manufacturer that they are of merchantable quality and that, as is defined, means that they were of merchantable quality at the time they left the control of the manufacturer.

We are not seeking to ask that the manufacturer be liable for all defects that arise later. He is not being asked to be responsible for that, and (as is discussed at length in the literature) we are not seeking to impose on him an obligation to warrant that goods have been of merchantable quality for a certain time. However, we ask him to say that, at the time they left his control, they were of merchantable quality, which means that they were free from defects that, if the purchaser had known about them, would have influenced the decision of the purchaser to buy the goods or to buy at the price being asked.

I consider that it is reasonable that manufacturers should be asked to stand behind their product to the extent of saying (and this is all that is being asked) that, when the goods leave their control, they are in reasonable condition; in other words, they are free from manufacturing defects, because that is what it means from a practical point of view, or free from defects produced by that manufacturer or some manufacturer of components that the manufacturer has included in the product, because it does not seem to me unreasonable that he should be asked to stand behind his product to that extent.

Having dealt with that background, I will now mention some matters that have been raised specifically by members who have spoken in this debate. The member for Torrens has referred to the fact that the Bill makes liable, in respect of imported goods, the importer of the goods: that is to say, where the goods are imported into Australia by the importer of the goods. He and, I think, the member for Davenport have also raised the position regarding goods that are not imported into Australia but are imported from another State into South Australia. The distinction is as I will explain. If the goods are manufactured in Australia, the manufacturer is liable under this Bill.

Mr. Coumbe: Even if he's in another State?

The Hon. L. J. KING: Yes. The Bill provides that, if the goods are sold in South Australia, they carry with them the warranty by the manufacturer, wherever the manufacturer is.

Mr. Coumbe: Are you sure about that point?

The Hon. L. J. KING: Yes, there is no doubt in my mind about that. Clause 4 makes it clear:

(1) Where any manufactured goods—
(*a*) are sold by retail in this State; or
(*b*) are delivered, upon being sold by retail, to a purchaser in this State,
the manufacturer warrants—

If the sale technically takes place outside the State and if the goods are delivered in this State, the manufacturer warrants that the goods are of merchantable quality.

Dr. Eastick: What about a wholesaler?

The Hon. L. J. KING: No, the goods must be sold by retail, and the retail sale or the delivery pursuant to the retail sale must be in this State. That is necessary, and that founds the jurisdiction of this State Parliament to fix liability on the manufacturer, wherever he may be.

Mr. Coumbe: You're prohibiting sale in this State of goods made in another State, unless they fulfil this condition?

The Hon. L. J. KING: No, we are not prohibiting it. We are providing that, if goods are sold in this State or delivered in this State, the manufacturer, wherever he may be, must carry this warranty.

Mr. Coumbe: Does this pose a constitutional problem?

The Hon. L. J. KING: No. If the sale takes place in this State, there is a sufficient nexus (that is, connection)

with the peace, order and good government of this State for us to be able to impose liability on people outside the State.

Dr. Eastick: How effective is it?

The Hon. L. J. KING: Quite effective. A person can readily sue a non-resident of South Australia. The Service and Execution of Processes Act provides for the service of proceedings on people outside the State. They can be sued in South Australian courts. They can be served outside the State and the case can be litigated in a South Australian court. There is no problem in that regard. Even in relation to oversea manufacturers, this would fix liability on them, but they are much harder to sue, to get at. Consequently, we have provided that, where the goods are imported from outside the country, the importer shall carry the responsibility which, from a practical point of view, would be difficult to enforce against the manufacturer.

Dr. Eastick: In South Australia, can he—

The Hon. L. J. KING: A person can levy execution against him, just as if he were in the State. A person can issue proceedings to wind up a company or he can issue proceedings for bankruptcy against an individual.

Dr. Tonkin: Why haven't we been able to proceed in some of these fraudulent interstate transactions?

The Hon. L. J. KING: A person generally can if he can identify the people concerned. The problem with most interstate matters of that kind is that the literature comes from some post office box, or from somewhere else, and we cannot identify the culprit. A person can have problems about section 92 of the Commonwealth Constitution if what he is doing can be regarded as interfering with freedom of trade between States, but here that problem does not exist, because in order to fix the legal responsibility we provide the nexus for the sale or delivery of goods in South Australia, and then we fix the responsibility on the manufacturer, wherever he may be. That is why special provision is made in the definition in relation to imports into the country, whereas no similar provision is made regarding imports into South Australia from another State.

The member for Torrens said that under the Bill the manufacturer is made liable not only for what he does or fails to do himself but also for any defect in components of his product that he in turn has purchased from someone else. I differ from the member for Torrens in that regard because he has argued that the manufacturer should be liable only for defects he could have avoided by the exercise of reasonable care and diligence. I believe, however, that his liability should go further than that.

We are here choosing where the loss should fall and are assuming a position in which a consumer has come into possession of goods that contain a defect. For this purpose we are assuming that the defect is in a component that was already defective when it came into the possession of the manufacturer.

Mr. Coumbe: Even though he didn't know?

The Hon. L. J. KING: Yes. The choice we have to make concerns the party on whom the loss should fall in these circumstances. Should it fall on the consumer who has no say in the matter at all, or should it fall on the manufacturer of the finished article because, after all, he bought the component from a supplier whom he chose, and he is therefore in a position, if anyone is, to exercise some influence on the component manufacturer by getting him to replace it or by going elsewhere to purchase his components in the future.

It seems to me, however, that the manufacturer of the finished product, given that we must make a choice as to where the loss lies, must take the responsibility for the product; he has to take responsibility not only for what he does himself but what he incorporates in his own product. After all, he has his own remedy against the person who supplies the component to him and, if the supplier has supplied the manufacturer with a defective component, the manufacturer has recourse at law against him. It does not seem fair to say that the ultimate consumer should have to chase around in a whirly-gigging search for the component manufacturer. Let us say the consumer owns a Ford motor car; he knows who made it and he can sue that firm, and Ford knows from whom it got the components and, if it wishes, can, because it is Ford's problem, chase after the component manufacturer.

Mr. Coumbe: Even though the component may not be warranted?

The Hon. L. J. KING: It is Ford's job to see that the component it buys is of good quality or is supported by an appropriate warranty. Ford can deal with that, whereas the ultimate consumer cannot, because he can do nothing. It seems to me, however, that the consumer is entitled to say, "I have bought a Ford motor car and am entitled to expect the car to be in good condition. If the car has a defect I am entitled to look to the people who put the trade name on it to rectify any defect." Ford could say, "We made the car, and that is what we are putting on the market." If Ford has incorporated in the car a defective component it is the responsibility of the company, not of the ultimate consumer, to chase the component manufacturer. I therefore disagree, with all respect, with the member for Torrens.

Mr. Coumbe: I was suggesting the inclusion of a defence clause.

The Hon. L. J. KING: If, as the member for Torrens suggested, we incorporated a defence clause and considered the example I raised (I did not choose a Ford motor vehicle in particular: I just plucked a name out of the air because it is easier when one uses a name), Ford could say, "We exercised all reasonable care and diligence in the manufacture of the car but the defect relates to a fault in a component." If that lets Ford out, it means that the consumer loses the case, and he has to shop around to find out who made the component and to chase after the component manufacturer.

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

The Hon. L. J. KING: I have been asked to refer to the situation that arises if some component of a motor vehicle, such as the battery, tyres, or something of that kind is defective. I remind the House that the statutory warranty provided for in the Bill relates to the quality of the manufactured product as a whole. The warranty does not extend to each individual component of the manufactured product, so that, in testing whether the warranty has been complied with, the question which must be asked is whether the product as a whole is of merchantable quality. If we are dealing with a motor vehicle, the question is whether the vehicle is of merchantable quality. In other words, is it so far from defect that a purchaser would be willing to buy it at the price marketed? That is the test.

However, when we are talking about individual components of the vehicle or any other manufactured product, whether the defect in the component amounts to a non-compliance of the warranty of merchantable quality depends on whether the defective component results in the product,

when considered as a whole, being of unmerchantable quality. The member for Torrens referred to the problem that would arise if spare parts were not available, and to the difficulty that would confront a manufacturer of a product for which it was difficult to obtain spare parts. The approach taken in the Bill is to say, in effect, "All right, if you put a manufactured article on the market, it is only fair to the people who buy it that they should be assured of being able to get spare parts and of not being landed with a commodity that is irreparable because parts are not available, unless the manufacturer has done all that is reasonable to inform the public that parts are not available." In the situation foreseen by the member for Torrens, in which an article is placed on the market and spare parts are not available, the manufacturer can free himself from that aspect of his statutory warranty obligation by doing what is reasonable to bring home to the public that spare parts are not available for that product; that is the provision of clause 6 (2).

The member for Torrens also referred to shop-wear of a demonstration article and to secondhand goods. However, I think that possibly his remarks were based on a misconception. I repeat that the warranty is not a warranty on durability: it is not a warranty that the goods will remain for any period of merchantable quality. It is simply a warranty that when they leave the manufacturer's control they are of merchantable quality. The time of warranty operation is stipulated in clause 4 (2), which provides:

> For the purposes of this section goods are of merchantable quality if, at the time they leave the control of the manufacturer, they are reasonably fit for the purpose for which goods of that description are ordinarily used.

So, the manufacturer's warranty extends only to the time when the goods leave the manufacturer's control.

Mr. Dean Brown: Couldn't it be difficult to prove that?

The Hon. L. J. KING: Undoubtedly. The typical case in which a plaintiff will succeed in a breach of warranty case against the manufacturer is where a manufacturing defect (some defect in the article itself) can be established. In other words, if a person buys a washing machine and it does not work, or if some fault develops in it, by examination he can often prove that there is some fault in the machining of the parts or something in the manufacture of the article itself that shows clearly that the fault is to be found in the manufacture, the delivery, the final assembling of the machine, or in some of the component parts incorporated in it.

Mr. Coumbe: Are we talking about first sales only?

The Hon. L. J. KING: No, the warranty attaches not to the time of sale. The condition that brings the warranty into operation, or that founds the jurisdiction, so to speak, is any retail sale in South Australia or any delivery pursuant to the retail sale, whether it be the first or subsequent sale in South Australia. However, the warranty itself is the manufacturer's warranty that the goods were of merchantable quality when they left his control—not at any subsequent time. So, matters of wear and tear and secondhand goods do not enter into this argument. In order to succeed in a case against the manufacturer, a person would have to be able to prove either that, from the nature of the defect, it must have happened while the article was in the manufacturer's control or, alternatively, have some independent proof that some external or accidental damage had occurred while the article was still in his control. The latter case would usually be difficult to prove, but it might happen, for instance, if a person brought an action and, by obtaining discovery of documents or by interlocutories or something of that kind, he could establish how the damage had occurred.

The normal case that would give rise to an action under the Bill would probably be the case where the defect in the article was clearly a manufacturing defect, that is, something that happened in the factory. I think that those observations answer the other point raised by the member for Torrens, who asked how long the warranty would last. There is no limit on the time during which the warranty lasts, except for the ordinary six-year period for bringing the action. The content of the warranty extends only to the time at which the article left the manufacturer's control. I have already dealt with the honourable member's point that the manufacturer should be liable only for his own lack of care.

Regarding clause 6, I think that the point raised by the member for Torrens was that the clause was misconceived, because the consumer, generally speaking, waives his right against the manufacturer by signing a document. Although that is generally true, it is not a criticism of the clause: it means only that, in most cases, the clause would not be needed. It would be an easy thing for a manufacturer to arrange to have a consumer sign a document waiving his rights, or for the manufacturer, by means of the publicity material he supplied with the article, to exclude statutory liability. It is therefore necessary to provide that he cannot exclude the liability, except in the limited case of the availability of spare parts, or when he takes reasonable steps to ensure that a person who purchases the article is told that spare parts are not available.

The member for Torrens also referred to the reversal of the onus of proof provision in clause 8 (2) and suggested that there was something inconsistent with principle in reversing an onus of proof in these circumstances. However, we are dealing with civil claims and proceedings, not with criminal proceedings. There is nothing at all sacrosanct about the ordinary rule that the plaintiff must prove his case. He has the onus of proving his case on the balance of probabilities, and that is a most sensible rule in the ordinary case where the plaintiff brings proceedings. However, often in law the onus is reversed in a situation where all the facts are within the knowledge of one party. Indeed, a general principle exists in law that evidence is weighed according to the ability of one party to produce it and the other party to refute it. That is a common situation. When one party to the proceedings has all the documents, witnesses, and knowledge, if he does not choose to produce that information to the court, the court is ready to draw an inference against him.

Mr. Coumbe: You'll agree that you are introducing more and more legislation of this type?

The Hon. L. J. KING: Yes, I think that is generally true. It is a process that began long before this Government took office.

Mr. Coumbe: I think you're accelerating it.

The Hon. L. J. KING: The Governments of which the honourable member was a member did their share in this regard. In relation to criminal proceedings, generally speaking it is desirable that the onus of proof should remain on the prosecution. The reason why in more and more Statutes we see the reversal of the onus is related to the complexities of modern life. The sorts of case modern legislation contemplates are more often cases by a member of the public against some commercial organisation, where all the facts are within the knowledge of the commercial organisation. If the consumer was left to carry the burden

of proof he generally would not be able to discharge it, because he would not have the knowledge. This legislation is an example of that, although here we are dealing with civil proceedings, and in civil proceedings there is no virtue one way or the other: whether the onus is carried by the plaintiff or the defendant is a matter of general principle which should be determined in each case on the basis of which party is most able to produce the best evidence to the court. In this case clause 8 (2) states:

Where any question arises in proceedings under this Act as to whether goods were manufactured before or after the commencement of this Act, it shall be presumed, in the absence of proof to the contrary, that the goods were manufactured after the commencement of this Act.

There is a very sound and obvious reason for that. The only person who can say with certainty when the goods were manufactured is the manufacturer. If he is not willing to come to court and say that action is misconceived, that the goods were produced before the commencement of the legislation and that the plaintiff is out of court, there is a fair inference to be drawn that he cannot say that and that they were manufactured after the commencement of the Act. Consequently, the manufacturer should carry the onus of showing that the goods were produced before the commencement of the Act.

Mr. Dean Brown: The manufacturers have indicated that they will probably have to change their practices.

The Hon. L. J. KING: Most manufacturers now would have no difficulty, through serial numbers and other identification marks, in identifying the date of manufacture of their products. I should be very surprised if they could not do so, and, after all, they are concerned only with the commencing date of this legislation. Certainly, we must have the provision. The alternative would be to impose the warranty on the manufacturer whether the goods were produced before or after the commencement of the Act. It certainly could not be left in a situation where the consumer had to prove the date of manufacture, because he would not be able to do it.

Mr. Dean Brown: Clause 4 also relates to this.

The Hon. L. J. KING: Yes. It was suggested by the member for Davenport that this legislation left the manufacturer in an impossible position because it made him somehow responsible for every express warranty that might be given at the point of sale, whether suggested by salesmen or others. Generally speaking, a salesman does not have authority to give a warranty binding even on his own employer. However, the point is that the manufacturer, under this Bill, is made liable only for warranties which he himself gives or which are given by someone on his behalf, and "on his behalf" means as his agent and with his authority. He is not bound by some warranty given by the vendor, the merchant, or any salesman employed by the merchant. He is bound by warranties which he gives or which are given on his behalf by someone having the authority to give a warranty on behalf of the manufacturer.

Mr. Dean Brown: I should have thought the retailer would be one such person.

The Hon. L. J. KING: No, the retailer has no authority to make a promise on behalf of the manufacturer, unless the manufacturer has authorised him to do so, and that would be most unusual. It might happen with a retailer who had an exclusive agency; he might be vested with some such authority, but it would be most unusual. There is no question here of imposing on the manufacturer a liability with regard to express warranties given by the retailer or by anyone else, except with the manufacturer's authority.

The last point to which I shall refer is that raised by the member for Davenport as to the cost of this legislation. It is quite absurd to talk about cost increases of 10 per cent or 15 per cent in the price of goods. I should think there is very little cost (perhaps none) involved in this at all. Goods now carry with them a warranty by the vendor, as I have explained, so that most goods are covered by a warranty. If they are worth less than $10 000, it is a non-excludable statutory warranty. In most cases this will be simply a question of who bears the cost of the warranty: is it the vendor, or does it go back to the manufacturer? It is a question of distribution of responsibility; it does not result in any increase in the cost. Even in the case where the vendor is not available or is bankrupt and for that reason or some other reason the consumer would now be left without a remedy, under this legislation the manufacturer will have to carry it. That is some increased cost, but we should bear in mind that it only amounts to this: the manufacturer is liable if his goods were not of merchantable quality when they left his possession. In other words, we are dealing only with shoddy goods.

Mr. Dean Brown: I referred especially to furniture manufacturers who would now have to carry a warranty on fabric, where they didn't before.

The Hon. L. J. KING: Someone had to do so previously. The furniture was sold somewhere, and whoever sold it had to carry the warranty that it was of merchantable quality. Under this legislation there is no doubling up; the consumer does not get his damages twice. He either proceeds against the vendor under the existing warranty provisions or if, for some reason, he does not do that, he proceeds against the manufacturer. He cannot get it twice, so there is no increased cost. If he proceeds against the vendor, maybe the vendor will recover from the manufacturer. In any case, he can do that now, unless the manufacturer has excluded liability in some contract with the vendor. There is no doubling up of cost.

At present most goods are covered by this very warranty, and we are here concerned only with the right on the part of a consumer, where he cannot get a remedy against the vendor, because of non-availability or bankruptcy, to proceed against the manufacturer; or, in some cases, where there has been recovery from the vendor, we are effecting a rearrangement of responsibility between the vendor, the merchant, and the manufacturer. We are saying that, if that vendor cannot exclude liability, as he cannot under the Consumer Transactions Act, it is not fair that he should be left in the middle and faced with a clause by the manufacturer that excluded liability. We are not dealing with any increase in total cost. The cases in which there would be no remedy under the present law but where there will be a remedy under this Bill will be few indeed. They will be cases where the consumer plainly should have a remedy. It is absurd that, if I buy a washing machine and there is a defect in the manufacture of the machine, I cannot sue the vendor, because he is bankrupt or not available, or has disappeared; although I know who made that machine and know that it was faulty and can prove that it was faulty in manufacture, I cannot sue the manufacturer, because my contract was with the merchant, not with the manufacturer. This is what we are covering in the Bill. It is just plain justice. This problem of privity of contract that has barred remedies in cases like this is quite wrong in principle, and it is something we should remedy. The purpose of the Bill is to remedy it.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

FOOTBALL PARK (RATES AND TAXES EXEMPTION) BILL

Returned from the Legislative Council without amendment.

LICENSING ACT AMENDMENT BILL (HOURS)

Returned from the Legislative Council with amendments.

OCCUPATIONAL THERAPISTS BILL

Adjourned debate on second reading.

(Continued from October 8. Page 1324.)

Dr. TONKIN (Bragg): I support this Bill with much pleasure because it has come from another place, and with added pleasure because Government members support it. Obviously, they believe some good comes from the other place as well as from this place. I am further pleased to support the legislation after finding that it is similar to legislation introduced in this House by a member on this side about two years ago, when honourable members opposite opposed it totally!

Mr. Duncan: Not all honourable members.

Dr. TONKIN: Most honourable members who were here at the time opposed it, and I think the former member for Elizabeth was one of them. The situation is interesting when one sees such a complete and full change of heart as this.

Mr. Wright: Tell us about the Bill.

Dr. TONKIN: It introduces provisions for the registration of occupational therapists. Occupational therapy is an important ancillary health component. The Occupational Therapists Association had its beginnings in 1961, and in 1964 it was officially registered. Mrs. Joyce Steele, the former member for Davenport, had much to do with the formation of the association. Over the years there has been an increasing recognition of the scope and compass of the science of occupational therapy and of the tremendous value it can provide for people suffering from severe illnesses, such as strokes, where they need rehabilitation, muscular activity, and co-ordination.

In the past 10 or 15 years, the importance of occupational therapy has become well recognised. Therefore, it has become necessary to provide training facilities, which now have been provided in a course conducted by the South Australian Institute of Technology. There has also been a big need to recognise occupational therapy by providing a rather formal method of registration. A document prepared by the Occupational Therapists Association and entitled *Functions of Occupational Therapy* states:

Occupation therapy is a rehabilitative procedure guided by a qualified occupational therapist who, under medical prescription, uses self-help, manual, creative, recreational and social, educational, prevocational, and industrial activities to gain from the patient the desired physical function and/or mental response. It may be prescribed by the patient's doctor for one or more of the following purposes:

1. As specific treatment for psychiatric patients.
2. As specific treatment for restoration of physical function, to increase joint motion, muscle strength and co-ordination.
3. To teach self-help activities, those of daily living, such as eating, dressing, writing, the use of adapted equipment and prostheses.

We take very much for granted our skills and abilities in simple motions such as feeding ourselves, dressing ourselves and writing: we do not realise how lucky we are. The publication continues:

4. To help the disabled homemaker readjust to home routine with advice and instruction as to adaptations of household equipment and work simplification.
5. To develop work tolerance and maintenance of special skills as required by the patient's job.
6. As prevocational exploration—to determine the patient's physical capacities, interests, work habits, skills and potential employability.
7. As a supportive measure—to help the patient to accept and utilise constructively a prolonged period of hospitalisation or convalescence.
8. For redirection of recreational and avocational interests.

Occupational therapy is used extensively as a treatment measure in:

> Psychiatric hospitals, general hospitals, tuberculosis sanatoria, orthopedic hospitals, rehabilitation centres, special schools, geriatric institutions, home-care programmes, hospitals for the chronically ill. The occupational therapist works toward the rehabilitation of the patient in conjunction with: the doctor, the nurse, the physical therapist, the speech therapist, the social worker, the psychologist, the vocational counsellor, and other specialists to return the patient to the greatest possible independence, physically, mentally, socially, and economically.

I do not think that any member denies that they are high ideals and objectives. With the provisions of a course for occupational therapy training at the South Australian Institute of Technology, the first graduates of which qualified in 1973, obviously it became necessary to provide a form of registration for those graduates. The course required study for 3½ years. It began in 1970 and there has been much competition to enter the course. In fact, only 15 places are available each year.

Expecting the first graduates to qualify in 1973, Mrs. Steele took the logical step, which showed her tremendous interest in the problem, of introducing a private member's Bill in this House in 1972. I note that the Attorney states in his second reading explanation that the legislation is not dissimilar from the legislation that Mrs. Steele introduced. I have found that it is almost totally similar, and I happen to have with me a copy of the Bill that Mrs. Steele introduced.

The Hon. L. J. King: It isn't dissimilar.

Dr. TONKIN: It is a great credit to Mrs. Steele that the Government has now introduced her legislation because that is exactly what it amounts to. When things are different, they are not the same, as we so frequently hear from Government members. Because the Bill happens to have been introduced in this case by the Government it is, of course, all right. However, when it was introduced by the former member for Davenport it was all wrong! Mrs. Steele, who had taken a great interest in this matter ever since the Occupational Therapists Association was first formed and, indeed, who was a guiding influence in that association, said on August 9, 1972 (page 613 of *Hansard)*:

The struggle to bring legislation of this kind before the House has quite a long history and goes back to 1961, when the few occupational therapists who then were practising in South Australia decided to form an association, the ultimate objective being the establishment of a school of occupational therapy in this State. In 1964, because for a long time I had had an interest in this development, I was approached to convene a steering committee that would bring to fruition this resolution of the occupational therapists. I gladly accepted this, because I was greatly aware of the need for South Australia to have its own school of occupational therapy.

Later on in that same speech. Mrs. Steele said:

The Institute of Technology appointed me, for my pains and interest in this situation, to be Chairman of this subcommittee and we took evidence from several people associated with the Physiotherapists Board and the faculty at the University of Adelaide. We also received representations from other minor disciplines. The report of this subcommittee was then presented to the Council of the institute, which, in turn, presented it to the then Minister of Education (Hon. R. R. Loveday), and again nothing happened.

I emphasise that. Mrs. Steele continued:

This was extremely disappointing for all the people who had worked so hard over a long period.

The Hon. L. J. King: Nothing happened between 1968 and 1970, either.

Dr. TONKIN: The Attorney is probably correct. Mrs. Steele was Chairman of that subcommittee and acted thoroughly to investigate the situation. It was interesting, after she had introduced her Bill, to hear the Attorney-General reply, as follows:

This Bill, introduced by the member for Davenport, has caused the Government some anxiety, because the principle underlying it is undoubtedly correct.

Why on earth it should have caused the Government some anxiety because the principles underlying it were undoubtedly correct, I cannot for the life of me imagine, but that is what the Attorney said.

The Hon. L. J. King: You don't have to imagine it; I told you the reason at the time.

Dr. TONKIN: The Attorney continued as follows:

True, occupational therapists will soon require a proper organisation with the necessary machinery, a system of registration, disciplinary provisions, and so on. However, there are several difficulties about the Bill...

He did not go on to explain what those difficulties were, but we have a fair idea of what they were: the Bill was introduced by a private Opposition member, and the Government was not going to give any credit to a private member, least of all a Liberal and Country League member. The Attorney-General managed to secure the adjournment of that debate. Indeed, he sought leave to continue his remarks while he studied these weighty difficulties. A little later, the Attorney said:

Certain detailed comments could be made about the present Bill but, in view of the Government's attitude, I think it would probably be unnecessary and perhaps even undesirable to make detailed comments on it at present.

We can understand why it was unnecessary to do so. The fact was that the Government could point to nothing that was wrong with that Bill. The only thing wrong with it was that it was introduced by a Liberal member as a private member's Bill.

Mr. Keneally: Do you think that that is something wrong with it?

Dr. TONKIN: I do not think there was anything wrong with that. Indeed, I am very much in favour of members introducing private members' legislation because frequently it is good legislation. However, I am disappointed that the Government so rarely gives credit to private members for the legislation they introduce. Moreover, the Government is willing to let legislation lie (as it did for two years in this case) before it introduces it again under its own name. The Government hopes that we have forgotten about it. Indeed, I am sure it hoped I did not have a copy of Mrs. Steele's Bill, but I have, and I will refer to it later.

Mr. Venning: I've got one too.

Dr. TONKIN: That is good; the honourable member will be able to verify everything I say. On October 18, 1972, in reply to the second reading debate, Mrs. Steele said—

Mr. Langley: What about what Sir Thomas Playford did?

Dr. TONKIN: In spite of the loud and penetrating voice Of the member for Unley, I will refer to what Mrs. Steele said, as follows:

The reasons advanced by the Attorney-General for the Bill being unacceptable to the Government are understood up to a point—

I think Mrs. Steele had a fair idea of what was going on, as she had been in this Parliament for some time—

that there are other disciplines that may want similar policies to be followed. Nevertheless, this matter was one that the Government itself saw the need to advance, because of its great importance in medical rehabilitation. I think the real reason for the Bill's being turned down is a personal one: it was because I did not, as a courtesy, go to the Minister of Health and tell him that I had been asked to introduce the Bill.

At that stage, totally contrary to Standing Orders, I interjected by saying, "You could very well be right," in reply to which Mrs. Steele said, "I am sure I am right." Indeed, I can say that she was entirely right.

Mr. Payne: If she was such a good member, why did you get rid of her?

Dr. TONKIN: It ill behoves members opposite to make snide comments of this sort about honourable members who, having served this State well in this Parliament, wish to retire.

The Hon. L. J. King: You've spent all your speech making snide remarks.

Dr. TONKIN: Not at all. If I have made any snide comments, it is because they have been totally deserved. Let me now examine the Bill clause by clause.

The Hon. L. J. King: It's about time you did.

Dr. TONKIN: I know that what I am saying is probably not pleasing the Attorney-General—

The Hon. L. J. King: Of course it isn't.

Dr. TONKIN: —and that he will be only too pleased to return to legal practice.

The Hon. L. J. King: If I have to listen to this sort of stuff, I'm not surprised.

The SPEAKER: Order!

Dr. TONKIN: Clauses 1 and 2 of this Bill are identical to those in Mrs. Steele's Bill. However, in clause 3 there is a change (and I wish to place this on record) in the definition. On this occasion, the Government has put the definition of "the board" at the head, instead of at the end, of the definitions. I suppose this has much significance, although I cannot see it myself. Apparently, it means something because the Government took the trouble to change it. The verbiage of the definitions of "occupational therapist" and "occupational therapy" is much the same as it was in Mrs. Steele's Bill, but the definitions have been incorporated in one paragraph.

Clauses 4 and 5 are the same. Further, clauses 8, 9 and 10 are the same as those in Mrs. Steele's Bill. In clause 11 a provision is added that a fee has to be paid by people registered as occupational therapists. An insertion in clause 12 provides that the registration fee has to be paid annually. This Government has introduced annual registration fees for all sorts of things, including medical practice. I suppose it is only to be expected from this Government.

Clause 14 provides for the measures that may be taken to inquire into allegations of misconduct. This clause is much wider than the corresponding clause in Mrs. Steele's Bill. The clause in this Bill provides for a fine as well as a censure. On being found guilty of unprofessional conduct, an occupational therapist may be disqualified from holding registration or may be fined up to $200. Clause 15 is much the same, but the numbering is now different because of the provision for annual registration. Clauses 16 to 20 are much the same as the corresponding clauses in Mrs. Steele's Bill. Clause 22 provides that regulations under this legislation may:

(*c*) prescribe a code of professional ethics to be observed by all registered occupational therapists.

Mr. Evans: What happened to Mrs. Steele's Bill?

Dr. TONKIN: This Bill is basically and almost completely the same.

The Hon. L. J. King: It is not dissimilar.

Dr. TONKIN: That is interesting; apparently the Attorney believes that comment covers the case very well. One must have some admiration for the Attorney if he can convince himself that that is an apt description. On principle, I am tempted to oppose any legislation that the Government introduces. However, in this case the legislation which members opposite so wholeheartedly and unanimously rejected two years ago has now been introduced by them, so I think it will probably be passed unanimously. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Funds, etc."

The Hon. L. J. KING (Attorney-General): I move to insert the following new subclauses:

(3) The Board shall cause proper accounts to be kept of its financial affairs.

(4) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of the Board.

(5) The provisions of section 41 of the Audit Act, 1921-1973, shall apply and have effect as if the Board were a public corporation referred to in that section.

The amendment is self-explanatory.

Amendment carried; clause as amended passed.

Clauses 11 to 21 passed.

Clause 22—"Regulations."

Dr. TONKIN: I should be very grateful if the Attorney-General could read to members the code of ethics that will be prescribed under this clause.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

Dr. TONKIN (Bragg): I cannot say how pleased I am that this Bill has been dealt with so expeditiously. I seem to detect a certain amount of testiness on the part of the Attorney-General and members opposite.

The SPEAKER: Order! For the benefit of the honourable member for Bragg, I point out that the question before the House is "That this Bill be now read a third time". In making any contribution to the debate on that motion, the honourable member must speak to the Bill as it came out of Committee. No extraneous matter can be introduced into the debate.

Dr. TONKIN: There is no extraneous matter, Mr. Speaker. I am commenting not on the attitude of members during the second reading stage but on their attitude during the third reading stage. I must pass on my full congratulations to Mrs. Steele. I am sure that having introduced this Bill—

The SPEAKER: Order! Apparently it is hard to get through to the honourable member for Bragg. I have ruled that on the third reading of the Bill the only matter that can be debated is the Bill itself as it has come out of Committee. The honourable member for Bragg.

Dr. TONKIN: I entirely understand the situation, Mr. Speaker. I am very pleased that the Bill, as it has come out of Committee, so closely follows that of Mrs. Steele, who was previously the member for Davenport. I congratulate the Government on taking this step, and following the example she set. However, I deprecate the fact that it has taken two years to do it.

Mr. McANANEY (Heysen): I support the Bill. Many years ago I started asking questions about why we did not have such legislation. I am pleased that at last a good Bill has been passed by this Parliament. If the Government had only followed my financial advice earlier, it would not be in such a mess now.

The SPEAKER: Order!

Bill read a third time and passed.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 1903.)

Mr. GOLDSWORTHY (Kavel): I support this straightforward Bill, which is of a corrective nature aimed at consolidation under the Acts Republication Act. The title of the Comptroller of Prisons is now changed to the Director of Correctional Services. I believe this change was recommended in the first Mitchell report. Such *a* change is in line with current terminology in other States and oversea countries. The first change made by the Bill puts into legislation the title that has been adopted.

The Bill defines Assistant Directors, who have already been appointed under the terms of the Public Service Act. I have been surprised previously by the Government taking certain action and subsequently taking legislative action to validate what has already been done. There is no legal bar to this (it has happened in the establishment of and appointments to positions in the Further Education Department). This Bill incorporates into the Statutes what has already happened.

The Bill deletes an out-of-date schedule in respect of prisons in existence when the Act was first enacted. This schedule, of course, is no longer applicable. The Bill also converts the fine of £5 to $10, which can be imposed by a visiting magistrate for minor misdemeanours. In most other financial measures from which revenue accrues to the State there is usually an inbuilt inflation factor, but on this occasion there is a straight conversion. The sum of $10 does not seem to represent the severity of the £5 fine when it was originally imposed.

The Bill also repeals sections that are no longer applicable concerning persons who were previously in prison under the terms of the Maintenance Act, 1926-1952. No persons under the provisions of that Act are currently in prison. The provisions in clause 38 no longer apply. Although the Bill appears at first glance to be substantial (39 clauses), in fact it merely up-dates what is currently happening in the Department of Correctional Services. For that reason the Opposition has no objection to the passage of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 25 passed.

Clause 26—"Punishment."

Mr. GOLDSWORTHY: In drafting this Bill was any thought given to up-dating the amount that can be levied by visiting magistrates or the Director, or does the Bill merely up-date the existing legislation? The sum of $10 today has little relation to the original £5 fine.

The Hon. L. J. KING (Attorney-General): The honourable member is right. It was not intended to effect any substantial change in the law by this Bill, which simply up-dates the various expressions and provisions in the existing legislation. The whole question of prisons, penal methods, powers of visiting justices and similar matters are under consideration by the Minister as a result of the first report of the Mitchell committee. I think that the

Committee can look forward to substantial amendments being introduced, if not during this session, in the next session of Parliament. Although this is not my department, I know that amendments are being studied, and will be introduced. At that time, matters such as what should be the powers of visiting justices, etc., will be considered. The Bill has been introduced to bring certain expressions up to date and to enable consolidation of the Statutes to proceed. Mr. Ludovici, who is engaged on consolidation, must get on with his work and, as he comes to these Acts, he introduces amendments in a form in which they can be incorporated in the legislation.

Mr. Goldsworthy: This Bill is not a matter of Government policy?

The Hon. L. J. KING: No. What should be the functions and powers of visiting justices are matters of policy to be considered at the appropriate time.

Clause passed.

Remaining clauses (27 to 39) and title passed.

Bill read a third time and passed.

PUBLIC CHARITIES FUNDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1997.)

Dr. EASTICK (Leader of the Opposition): I support this Bill, which amends several aspects of the principal Act that have been drawn to the Government's attention by Mr. Ludovici, in his capacity as Commissioner of Statute Revision. It also effects certain decimal currency changes. The Bill has been introduced specifically because certain amendments are required that can be encompassed in the one Statute Law Revision Bill. It also gives the commissioners power to take up debentures or shares issued by corporations in which they already hold investments for any purpose authorised by the Act. The Bill has been scrutinised by and passed in another place, so I see no reason why it should not have a speedy passage through this Chamber.

Mr. BECKER (Hanson): As the Leader has said, this Bill is part of the consolidation of certain Acts and rectifies certain situations that have been allowed to exist for some time. Surprisingly, the Act expresses certain monetary amounts in guineas and, interestingly enough, confers certain powers on the commissioners. The commissioners are Mr. A. R. Curren (former member for Chaffey), appointed on February 28, 1974; Mr. L. C. Hughes (former member for Wallaroo), appointed on June 25, 1970, and reappointed on June 7, 1973; and Mr. George Joseph, appointed on November 16, 1972. Clauses 1 and 2 of the Bill amend an important section of the Act relating to the payment of commissioners' fees. When one realises what the Public Charities Funds Act provides and what the commissioners do for the community, one might consider that the commissioners should occupy honorary positions, no matter how much their work involves. As over the years people have made bequests to various institutions, it is only fair and reasonable that such bequests should be administered by Act of Parliament to ensure that the funds are spent in the most efficient manner and, at the same time, ensure that they are properly invested.

The Bill encompasses the investment of certain funds. At June 30, 1973, the Commissioners of Charitable Funds were holding $2 848 156 in investments. At June 30, 1974, they were holding $3 009 692 in investments. Page 259 of the Auditor-General's Report for the financial year ended June 30, 1974, states that the commissioners were responsible for a property known as town acre 86, which comprises the whole of the land with shops and offices thereon, 64 m in Rundle Street from the western boundary of Martin Building to Pulteney Street, 64 m frontage to Pulteney Street, and 64 m frontage to Hindmarsh Square. The value of this land, with the buildings thereon, is in excess of $1 000 000. However, I understand that the Valuer-General placed an assessment on that land as at June 30, 1974, of $948 300, to which must be added the value of the buildings. Page 259 of the report states:

> Certain stocks and shares are held by the commissioners which are not trustee securities. These are shown at market value as at June 30, 1963, with the exception of bonus issues which are brought into account at current values, capital adjustments being made on realisation. Commonwealth securities held by the commissioners are shown at face value.

This means that the commissioners are responsible for the handling of over $3 000 000 in investments and of property well in excess of $1 000 000. I consider the Auditor-General's valuation to be somewhat conservative. One wonders, if we are consolidating the Statutes and bringing these things into line, what is meant by sections 8 and 9 of the principal Act which are amended by clauses 3 and 4 of the Bill. As I see it, where the legislation amends the monetary terms of £50 for the Chairman and £25 for the members, we find that the Chairman, under section 8 of the Act, would receive $315 and the other two commissioners $210 a year. Under section 9 the Chairman receives $735 and the commissioners $490. Adding the figures, the Chairman would receive $1 050 a year and the two commissioners each $700 a year.

With the passing of this Bill we will enable the Government to set the remuneration for the three commissioners, one of whom is the Chairman. The expenses of the charitable fund are not great in relation to administration, although it has an administrative staff. The whole purpose of the fund, as I see it, and as I have been led to believe, is that the amount, less any expenses in relation to maintenance and rates and taxes on properties, should be used for the benefit of the charities receiving the bequests. I do not think it right in principle that the fund should be charged fees for those who administer it. If the Government wishes to make a remuneration it should be a separate charge to the Revenue Account. One wonders, when we see the appointment of two of the commissioners who were former members of Parliament and of the Government Party, whether this is something of a political ploy.

The Hon. L. J. King: Do you think former members of Parliament should be ineligible for such appointments?

Mr. BECKER: I consider the administration of charitable funds today, especially in the present economic climate, is so important that it calls for most careful management and investment. While we are authorising the commissioners to take certain action to invest money, I query the whole of the structure of the commission. I think this Bill needs more than a glance such as it has received in another place and even in this place. The Government should be more careful when Acts such as this are to be consolidated. It should look in depth at such organisations. The sum of $3 000 000 in investments and more than $1 000 000 in property is involved, so it is not a petty cash investment. It allows people in the community who want to do so to make bequests to the various organisations named in the second schedule attached to the legislation. I view the Bill most seriously, and I think it deserves greater attention than it has received to date.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Powers of investment."

Mr. BECKER: While I recognise that the three commissioners have complete power to invest in certain debentures, stocks and shares, is there any authority overseeing the investments they make or is it left completely to their discretion?

The Hon. L. J. KING (Attorney-General): It is a matter for the commissioners themselves as to the funds in which they invest, but they must invest in trustee securities prescribed by the Trustee Act.

Mr. Coumbe: Are they confined to that?

The Hon. L. J. KING: As far as I am aware. This is not my Bill and I have not looked at the principal Act to determine that, but I am not aware that they are permitted to depart from trustee securities, although I am not prepared to assure the Committee that that is so. It would be necessary to look at the principal Act. There is nothing in the Bill giving any authority in that regard.

Mr. BECKER: I realise that it is not the Attorney's Bill and it comes to us from another place, but on page 259 of his report for the year ended June 30, 1974, the Auditor-General said that certain stocks and shares were held by the commissioners which were not trustee securities. Could the Attorney obtain for me information as to whether that statement is correct and whether the commissioners are empowered to so act?

The Hon. L. J. KING: It does not affect the Bill, which does not widen the powers except to the extent that it gives the commissioners the right to subscribe to new issues of shares and debentures in corporations in which they have already invested. I shall look at the Act and ascertain for the honourable member whether the Auditor-General's statement is correct.

Clause passed

Remaining clauses (6 to 9) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (RADAR)

Adjourned debate on second reading.

(Continued from October 29. Page 1729.)

Mr. GUNN (Eyre): I assure the Minister and other members that we support the Bill and hope that it will play a significant part in greatly reducing the present high road toll. Matters of this kind, basically designed to improve road safety, should be above the turmoil of Party politics, and I hope to deal with the matter with that in mind. However, the Minister and I will part company in regard to clause 4.

By one provision in the Bill, the police will have authority to use a new instrument in the form of the amphometer, which also has been described as an electronic traffic speed analyser. Yesterday, the member for Victoria and I went to the police barracks and examined one of these instruments. We appreciated the courtesy shown to us by the officers who were in charge of this section. While we were there, we took the opportunity to have discussions with officers in the accident investigation section, and it was interesting to examine the work that they were doing.

Every member of this House ought to be concerned at the increasing number of people being killed on the road. It was also interesting to see on the map the areas in South Australia where most road deaths have been occurring. It is obvious where most deaths occur. The first cause of the deaths would be alcohol. It is associated with most accidents. The other problem is that people drive far too quickly. It will be easy for officers in future to apprehend these people, because anyone who examines these instruments will find that all that is required is that two rubber strips be placed across the road and connected to the instrument about 200 metres farther down the road. As a vehicle passes the strips, the instrument automatically records the speed. There can be no argument, and anyone contravening the Road Traffic Act will be charged.

I hope that measures of this kind are designed to deter people from driving at excessive speed. I also hope that the Minister is listening, because I am trying to be most charitable to him this evening, and I should like to make a suggestion that may be in the interests of road safety. The suggestion is that signs be placed at each end of the section of road where the police intend to install this instrument. The sign would not be placed too close to where the police were operating, and in this way people would be aware that the instrument was operating and they would not exceed the speed limit.

When we examine the statistics, we see that already 333 persons have been killed on South Australian roads this year and many more have been maimed and injured. Regarding the Australian position, I support the statement made in a letter that all members have received from the Goodyear Tyre and Rubber Company (Australia) Limited about driver education. I hope that the Government will continue the programme it has established and take heed of what the company has said. One paragraph in the letter states:

> Words fail to relate the horror that associates itself with the killing of 4 000 people in Australia in road accidents each year and the misery and anguish of another 100 000 maimed and injured.

This is an alarming situation, and we should at least not exceed the present figure, if we cannot reduce it. However, I consider that, as the number of vehicles on the road increases, we will have the problem for a long time. I travel as far on the roads as does any other member, and one difficulty that confronts me in my district is the foolishness of many motorists and their lack of consideration for others. Many people seem to lose all sense of responsibility when they get into a motor car, and I think that a proper programme of driver education may change the position.

The second part of the Bill amends section 147 of the principal Act by deferring until July, 1976, the operative provisions relating to the weight of vehicles as set out in subsections (4) and (5) of that section. The reason for the amendment is set out in the explanation, which states:

> The need for this deferral arises from the need to have further time available for assessment of weights and the desirability of ensuring that more time is available to consider exemption and develop a coherent policy thereon.

When that legislation was before the House, my colleague the member for Gouger and other honourable members pointed out all these facts to the Minister. However, he was determined to inflict that part of the legislation on the road haulage industry in this State, particularly on the primary producers. The primary producers have a safety record that is second to none, and it was foolish and irresponsible even to consider introducing these amendments in the middle of a big harvest. Already I have received many complaints in my district about the effect of these amendments, which relate to the gross vehicle weights and gross combination weights.

There will be many anomalies, and many people who have been carting loads on their vehicles will be affected

seriously. They will not be able to cart a decent pay load. They will not be able to do things that they have been doing successfully and safely for many years. If the Minister made a positive approach to assist people in rural industry, it would be the first time that any Labor Government in Australia has done so. The Government should seriously consider exempting primary producers' vehicles from the provisions of this Act when they are used for carting grain.

I do not know what harm these people have done in the past, and certainly they will do little or no harm in future. The amendment will make their operations more difficult. The number of trucks on the road will increase and the primary producers will have many more costs to meet. We are dealing with an industry that has no way of passing its costs on, and people in that industry already have serious financial problems. The Minister ought to reconsider this matter, because already the advisory committees are having difficulty in determining how to allocate gross vehicle weights and gross combination weights.

If we can take any positive steps to reduce our road toll, we should do so. It is beyond doubt that these new amphometres that the Police Department has are legal implements to measure the speed at which vehicles are travelling and should, therefore, receive the wholehearted support of all members. Obviously, this will mean that many people will be apprehended on our roads. However, people must surely realise that, if Parliament passes laws to restrict the speed at which vehicles can be driven, the Police Department, when detecting breaches of the Act in its vehicles, is merely carrying out Parliament's policy. With those few remarks, I strongly support the major part of the Bill, although I cast grave doubts on the provisions dealing with gross vehicle and gross combination weights.

Mr. GOLDSWORTHY (Kavel): Although I do not wish to repeat what the member for Eyre has said, I want to say one or two things about the Bill. As he said, there is no argument about the Bill's first three clauses. I am sure that, when all our fuels run out and the motor car is no longer a means of transport, and when future civilisations see the number of people that are killed on our roads, they will think that those who at present inhabit our earth are crazy. We lose more people on the roads than we ever lose in wars, yet we come to accept this as a part of our way of life.

Although I agree with the first three clauses, I want to make remarks similar to those of the member for Eyre regarding clause 4. I have received many representations regarding the matter of loading, and I recall what has to be done to get exemptions considered. The Bill is a good one in the sense that it has delayed the operation of this provision for six months, substituting as it does "July" for "January". This means that the provision will not operate until next July. Grapegrowers, who are currently facing a vintage and who will be heavily involved in carting grapes to wineries, view this as a breathing space. I hope that, when the Bill becomes law (as it will, if there is no change of thinking before next July), these people will be considered worthy of exemption. Many of them have been to see me, and this seems to be an inappropriate time to introduce this provision, especially in view of the safety record of these people, to whom the member for Eyre referred.

We as a nation should be concerned about production costs, so this seems to be an inappropriate time to be enacting legislation that will inevitably increase production costs. That will happen if these regulations are foisted on to primary producers and others who will not be able to be exempted. I hope the Minister takes note of what I am saying. Indeed, I hope he is able to listen as well as whistle (although the tune he is whistling is not recognisable). I say with some force that the grapegrowers in my district are worried about the impact of this provision when it becomes law, and they view the provision to delay it as a reprieve. If this provision comes into operation in July, as the Bill suggests, these people to whom I have already referred will be caught at the next vintage. I certainly hope, therefore, that they will be exempted from the provision.

I have been approached by people who have converted, say, three-tonne trucks by putting a steel tray and a tipping mechanism on them to enable them to cart grapes. However, this has perhaps added a tonne to the vehicle's weight. Under this legislation, they will be able to carry one tonne less. They will therefore have to make more trips to wineries and, in some cases, will be able to carry only half the loads that they have been accustomed to carrying during harvests. They will therefore be faced with extra waiting time because of the extra number of trips they will have to make to wineries, as it is not just a matter of running down the road a few kilometres and tipping the load: they must join a queue. These people will therefore be forced to employ extra labour for picking, carting or other work involved in the harvest.

Mr. Venning: Do you think the Minister is concerned about that aspect?

Mr. GOLDSWORTHY: I hope he is taking time off from his whistling to listen to me.

Mr Venning: I hope so, too.

Mr. GOLDSWORTHY: This country is at present experiencing severe economic difficulties, and production costs should be vital to the Government's consideration. Also, the primary producers to whom I have referred have been carting their produce to wineries for years.

Mr. Venning: With safety.

Mr. GOLDSWORTHY: That is so. This is not where our road deaths are occurring. I hope the Minister will seriously consider the impact of this provision, because it is vital to the economic future not only of these people but also to the people in all producing industries in this State. Although I am making these remarks, I hope, with some force, the Minister shows scant interest in what Opposition members say in this Chamber. He adopts a nonchalant attitude to what we say, although he develops a fair bit of force and heat when he replies to debates and, indeed, often makes incorrect statements. However, I impress on the Minister—

The Hon. D. H. McKee: You must be talking about the member for Eyre.

Mr. GOLDSWORTHY: I am referring to the Minister. He referred to a newspaper report, which was completely misleading and false, of what winemakers had said regarding another matter. However, I will correct him at the appropriate time. This matter is of the utmost significance to the people of my district, particularly the grapegrowers. I know that the member for Eyre made specific reference to grain cartage. This provision will have a tremendous impact on people who have modified their vehicles to facilitate operations during harvest. This is the only time that some of these trucks are used.

Having inquired of the appropriate Government department whether these people will be able to be exempted, I have been told that they will. Although there is some

doubt about the matter, I certainly hope that this is so. It was put to me that they could sell their trucks. The appropriate way to deal with that matter would be for an exemption to be granted if a vehicle was used for a specific purpose. I completely endorse the remarks made by the member for Eyre in this respect. The safety record of these people is good: they travel at low speeds and over relatively short distances on good roads, and their production costs will inevitably be increased if they are not granted exemptions. Although I do not like this part of the Bill, those concerned regard the delay of six months in the operation of this provision as a reprieve. I hope the Minister will note what has been said in this debate, because it is of vital importance to certain people in primary industries who are at present finding it fairly difficult to remain in profitable production. I support the Bill.

Mr. PAYNE (Mitchell): I support the Bill on the same basis as did the two previous speakers; I refer to what one member on the other side described as the part of the Bill on which he did not part company with the Minister. The early provisions in the Bill are completely allied with road safety in South Australia. I endorse the remark of the member for Eyre that this area ought to be out of the political arena; I think the honourable member used a term similar to that. It is a pity that the honourable member did not apply the same principle to the other clause about which he made a song and dance, aided and abetted by the member for Kavel. In his second reading explanation the Minister said:

For some time now the Police Department has suspended the use of certain apparatus called amphometers, because an opinion was put forward that they may not come within the strict meaning of the term "electronic traffic speed analysers".

I, too, examined one of these instruments in the presence of police officers, and I witnessed a trial operation of the instrument. Even though I may be a bit rusty on electronics after some years in this House, it seems to me that the instrument may well come within the description "electronic analyser". I agree that there should be no possible shadow of doubt but, from discussions I had with police officers, it appeared to me to be a pneumatically operated device with a reset arrangement operated remotely by a police officer who can be quite some distance from the location of the instrument; a police officer can be farther from this new instrument than a police officer can be from a radar-type instrument. This may help the Police Force to apprehend people who break speed limits and slow down only when they spot a radar installation.

The amphometer allows the operators to be considerable distances away, out of sight. This new instrument uses a fundamental electronic principle; that of a resistance capacitor charge and discharge time constant. This produces accurate time intervals. The pneumatically operated strips placed a fixed distance apart on the road give a set distance over which a vehicle has passed. In the instrument the time taken for this travel is compared with a known time, which is continually produced by electronic means. So, it seemed to me that it was an electronic analyser. However, I am pleased that we are putting the matter beyond doubt. By interjection, the member for Eyre referred to cost. I can assure the House that the cost of the amphometer is considerably less than that of the radar-type instrument—it will cost hundreds of dollars compared to thousands of dollars. This reduced cost will allow more instruments to be purchased and used in the cause of road safety. During checks that I was able to make, the instrument appeared to have inbuilt checking, in which the time constant used is a comparator to the time interval set out on the roadway. It is continually calibrated; this is important. Previously, when radar-type instruments have been taken into account in the courts, arguments have been raised and technical experts have been called. This instrument has an inbuilt calibrator that allows for low error, thus removing argument.

The radar-type instrument is manufactured in South Africa, whereas the amphometer is manufactured in Australia. On purely parochial grounds as well as the ground of distaste for trade with South Africa, I am pleased that we are able to use the instrument manufactured in Australia to carry out this important road safety function. The radar-type instruments were adapted from a principle originally used in survey equipment. The design work and most of the manufacture was done in South Africa. The member for Eyre said that he had had discussions with police officers about various matters. I had discussions with police officers about the absolute speed limit, which has become the law in this State. Because I had those discussions in confidence, I will respect that confidence and make no further comment.

Mr. Venning: Then why did you mention that matter at all?

Mr. PAYNE: No one member has particular privy to the Police Force.

Mr. Gunn: I did not suggest that.

Mr. PAYNE: If it was not suggested, there was no need to take umbrage.

Mr. Goldsworthy: What about pay rises—

Mr. PAYNE: I did not mention pay rises when speaking to the police officers.

The SPEAKER: Order! Any reference to a pay rise is out of order.

Mr. PAYNE: My discussions took place prior to press references to pay rises, so the question did not arise. The member for Eyre and the member for Kavel referred to the good driving records of primary producers, and I do not suggest that those references were inaccurate. I hope that primary producers are good drivers, because amphometers will be used on country roads.

Mr. Goldsworthy: We were talking about overloading.

Mr. PAYNE: I know, but it was stated that primary producers were good drivers, did not go fast, and had a good safety record.

Mr. Goldsworthy: The cost of production was mentioned, too.

Mr. PAYNE: Yes, the economy was mentioned. We are aware that members opposite take every opportunity to get those words in.

Mr. Goldsworthy: We said the cost of production would be increased.

Mr. PAYNE: I would not argue with the member for Kavel that, if more trips had to be made, it would increase some costs. As long as it does not result in any greater cost in terms of lives lost if they make fewer trips and are overloaded, I would support them. However, because of this doubt, I support the Government's legislation, which is based primarily on road safety; indeed, on this basis, it should be supported by all members. This Bill will be useful in promoting road safety in South Australia. It makes clear beyond all doubt that it is lawful for the police to operate these instruments. If the legislation passes in another place, the position will be clear, and for this reason I support the Bill.

Mr. ARNOLD (Chaffey): I support the Bill, which does two main things. First, it provides for the use of a traffic speed analyser. Although no-one likes to be detected or apprehended for speeding, there can be no doubt that excessive speed has caused the mounting road toll throughout South Australia and Australia. Therefore, I support this provision. Doubtless, many honourable members sometimes exceed the speed limit, but they must be willing to accept the consequences if they are caught.

The important function of this Bill was outlined by the member for Kavel. He relates to the extension of the maximum weight provisions of the Act. This will now not come into force until July, 1975, although it was previously provided that it would apply from January, 1975. This indicates clearly that the Government at long last, has accepted the argument put forward by the Opposition when the principal Act was last reviewed. The member for Kavel referred to the wine grape industry, which is severely affected by the provisions in respect of maximum weight. Last Thursday and Friday the Industries Assistance Commission took evidence at Berri into the grape industry. The Commission was primarily concerned with the restructuring of the industry, and we have heard repeatedly from the Premier of the need to restructure the industry in an effort to make it once again viable in its own right.

The stability of this industry clearly relates to the cost of machinery and wages. More than 30 submissions were made to the commission in its two-day sitting. Freight costs are undoubtedly an important factor in the cost of production. I refer to the trucks used in transporting grapes from the vineyards to the wineries. This normally involves only short distances, and most of the trucks used are old. This is so because the harvest lasts only for about two months or three months at most, and for the remainder of the year the vehicles lie idle, and it would be completely out of the question for a grapegrower to invest about $6 000 or $8 000 in a truck, as could be required under the Act, in order to cart a reasonable pay-load to the winery. I am confident that a search of the road accident statistics would show that although old, the vehicles used in the short distances involved in carting grapes to the winery, at comparatively low speeds, have a record probably second to none in relation to road safety in this State.

That the Government has now seen fit to extend from January 1, 1975, to July, 1975, the period before which these provisions come into operation indicates clearly that the Government has recognised this point, and I hope that it will see fit to make other provisions for vehicles involved in the carrying of grapes to the winery. In submissions to the commission last week, it was stated that, if additional costs were created as a result of legislation such as this, it would be impossible for the grapegrowers to survive. I cite the grape industry because it is the industry with which I am involved, but the same situation applies to the grain industry and all other primary industry, where there is a harvest for only two or three months a year, and for the rest of the time vehicles and plant are lying idle. The situation would be completely different if vehicles were fully occupied for 12 months of the year, because costs could then be spread.

Mr. Venning: Do you think the Minister is interested in what you're saying?

Mr. ARNOLD: I do not know whether he is listening, but obviously he has noted the points made by Opposition members when this Act was last dealt with by another amending Bill. Although the Minister did not acknowledge it at the time, it is obvious that the Government has recognised some of the points that were previously made, and I hope the Government will recognise the matter more fully before July, 1975, and provide for vehicles engaged in primary production, carting produce from the point of production to the silo or the winery (generally a short distance), recognising that most of these vehicles are used for only two or three months in a year. It would be impossible for the primary producer to have $6 000 or $8 000 in capital tied up in a vehicle that would comply with the Bill.

Mr. VENNING (Rocky River): I support the Bill, in which two main issues are involved. I refer mainly to clause 4, by which the Government plans to introduce new provisions in respect of the weight of vehicles in July, 1975. It is significant that the provision in respect, of brakes falls into the same category, and is also to be implemented on July 1, 1975. It was a relief to primary producers, especially wheatgrowers in my district, when the Government decided to postpone from January 1, 1975, until July 1, 1975, the introduction of certain provisions covered by this Bill. At least, wheatgrowers and other primary producers will have an opportunity to bring in their harvest. I believe that inspectors and representatives of the advisory committee will be in attendance at silos throughout South Australia, looking at the situation as it really exists. I hope that the members of the advisory committee will learn much by being on the spot and seeing primary producers' vehicles delivering grain to the silos. My colleagues from other parts of the State have referred to vehicles used for carting grapes, but grapes are also carted in the Clare Valley area, in the Rocky River District, and the legislation will have great significance to grapegrowers there. All in all, I believe that these people are grateful that the operation of the legislation will be deferred. Although I have been told that members of the advisory committee will be present at silos, I hope that they will also inspect the wineries to see the types of vehicle being used by grapegrowers, thus being able to learn something from their inspection, in order to advise their committee on ways and means of granting exemptions to these two categories of primary producer.

Time and time again I am forced to listen to the unrealistic attitude of certain Government members in statements they make about the safety of vehicles, etc. I believe that they are idealists, not realists. If they went to the country and saw the general application of vehicles, they might take a totally different attitude to this Bill. We are all concerned about the safety of people throughout the State and about our high and ever-increasing road toll. From time to time, we try various means to reduce deaths on the road. Fatalities caused by grain-carting vehicles and trucks carting grapes to wineries comprise such a small percentage of the total fatalities that they are undeserving of comment now. For those reasons, I support the Bill and hope that, as a result of inspection by members of the advisory committee, next July we will have legislation that will be received by grapegrowers and graingrowers that they will consider to be satisfactory for their future activities and for the prosperity of their respective industries.

Mr. RUSSACK (Gouger): I support the Bill, which, as has been stated by previous speakers, contains two main provisions, one of which concerns traffic speed analysers. All members are concerned about the road toll and are indeed unhappy that South Australia is heading for a record toll of deaths on the road in 1974. Whatever can be done to reduce or prevent this carnage on the road should be done. Although I commend the Government on introducing a publicity campaign, which, I understand,

will cost about $50 000, I believe that there must be more practical ways to stem the increasing road toll. The traffic speed analyser will assist in a practical way. In some States of the United States of America police officers are permitted to take police cars home and are allowed to use them for private purposes such as to go shopping. It is accepted that the mere fact that the vehicle can be seen has a deterrent effect on motorists and that they reduce their vehicles' speed, thus reducing the road toll. I am not suggesting, however, that this practice be followed in South Australia.

Mr. Nankivell: They use their private cars for police purposes now.

Mr. RUSSACK: Yes, and that is often helpful.

The SPEAKER: Order! The honourable member must come back to the Bill.

Mr. RUSSACK: Yes, Mr. Speaker, I am coming back to the Bill, pointing out that I commend such a move. The police play an important role in preventing road accidents and road deaths. As the member for Chaffey has said, every motorist exceeds the speed limit at times, but it is up to every motorist to obey the traffic laws.

Clause 4 defers until July 1, 1975, that part of section 147 of the principal Act which deals with gross vehicle weights and gross combination weights. The Bill provides that the date on which the vehicle weights legislation will come into force will be July 1, 1975, instead of January 1, 1975. I support this move, because I know of the confusion now existing in this area. I have in my possession the details of three cases of truck owners who have had difficulty in reregistering their vehicles. The first one I cite relates to a comparatively new vehicle, purchased on November 30, 1973, an International truck with a five-speed gearbox. I have seen the maker's specification on this truck, which was 19 278 kilograms gross combination weight. When the owner applied at the end of the first year of ownership for renewal of the registration, he was notified that the gross combination weight had been reduced to 17 460 kg. He went to the Motor Registration Division and was refused any consideration whatsoever, until he was referred to a gentleman who occupied an office in the I.M.F.C. building and who, I expect, was a member of the advisory committee. The owner was successful in having the gross combination weight increased to 19 280 kg. Even now, with a brand new truck that has cost $10 000 or $11 000, the g.c.w. is below the maker's specifications. This is the sort of thing that is going on, and I am glad that the date has been deferred until July 1.

The second owner has a truck which is older and which was always accepted as having a load capacity of 6 200 kg. He forwarded his registration for renewal and it was returned with the typewritten figures crossed through in ink. Instead of 6 200 kg, the load capacity had been reduced considerably to 4 850 kg. I could mention many such cases. The second example related to a Ford truck accepted as a six-tonne truck, a 1951 model. The third truck is an Austin, and the same thing has happened. The figure has been reduced from 6 150 kg to 5 350 kg. If a farmer invests in a new truck it will cost about $10 000 or $11 000, and such trucks are used only, as the member for Chaffey said, for two or three months of the year. In terms of distance, that is about 4 800 km to 6 400 km; in other words, only minimal distances are covered by these trucks.

Three aspects need to be considered: the speed, the weights, and the braking. The speed limits have been in operation since July 1, 1974. The braking provisions and the regulations regarding weights will be deferred until July 1, 1975. During the present harvest we will see that speed limits have been increased, and this will provide a real test. If the farmers can come through this harvest with as good a safety record as that prevailing in previous years in transporting grain to the silos, I ask the Minister to do something about the Act as it relates to primary producers; in other words, where the exemption provision is met, and where the primary producer applies for an exemption, I suggest that, if we have an accident-free harvest, producers should be entitled to approval of their applications for exemption.

For the reasons I have stated, I support this measure. First, the speed analysers show that something may be done to stem the unacceptable road carnage; secondly, clause 4 postpones until July, 1975, the operative date of the provisions regarding weights. I am sure that, in the interim, the confusion will be overcome and that proof will be provided of what we have been saying over the months: there is safety in the transportation of grain in the primary industry—

Mr. Goldsworthy: And grapes

Mr. RUSSACK: That is part of primary industry. I include the cartage of grapes and other fruit. I support the measure.

Mr. NANKIVELL (Mallee): Briefly, I support the measure, with a few comments. While we seem to accept that it is speed that kills, the condition of the roads and the condition of the motor vehicles can be most important. It is high time we considered doing as is done in New Zealand and inspecting motor vehicles, especially for their braking ability, steering, and the condition of the tyres. All these things are important in relation to speed. Amphometers, or traffic speed analysers, will help control excessive speeds on the roads and enable the police to enforce the provision we have written into the Act in relation to the upper speed limit, and I have no objection to the use of the equipment in this way.

I now refer briefly to the other matters contained in the Bill. Deferring the implementation of these provisions from January until July will enable those concerned to sort out the vehicle weight loading capacity of various trucks. Obviously, as has been pointed out by the member for Gouger, they have been unable to do so until now. The deferment until July would give further time to consider the types of exemption that could be granted to farmers' vehicles and the areas in which they will apply. There is also the question of the provision of brakes on trailers. During the present harvest, many trailers will need to be used for the grape harvest as well as the cereal harvest, and they will not be fitted with the required braking equipment, because it is not available. I hope that it will be available by July so that people can properly equip their vehicles, but if it is not I ask the Minister to consider the matter further in July to give people the necessary time to comply with the Act, especially since the failure may not be of their own making. It may result not from their having not wanted to carry out the requirements of the Act but from their not being able to do so, because of the unavailability of parts. Other aspects of safety must be considered, although they are not presently being investigated. I hope the Government will consider having some inspection of vehicles to make sure that they are safe to drive on the road, even at the upper speed limit which we have now declared to be 110 kilometres an hour. I support the legislation.

Mr. RODDA (Victoria): I support the Bill. In company with the member for Eyre, I saw the instruments which are to be given a blessing by the present legislation and which will assist to cut down on one of the major causes of road carnage. Having seen the instrument demonstrated, I am sure it will have a deterrent effect on anyone. The evidence will be there and the driver will see for himself the actual speed at which he has been timed in going through the measured area. This must have a marked effect on the motorist who is exceeding the speed limit. Little notice is being taken of the new speed limit of 110 km/h. A person on Dukes Highway who slows down to obey the law can be unlucky enough to be struck by someone going helter skelter along the highway.

I hope the Minister will have available sufficient instruments to be able to carry out full supervision on the highway. During the Easter period last April, the police carried out a blitz on the main highways, and the very presence of the police made people take notice. The police will be able to operate these instruments in areas where motorists travel at high speeds, whereas the old radar system required police to operate in specific areas and they had to chase after offenders.

As the member for Mallee has said, factors other than speed must be considered. Regardless of what is done, some drivers will break the law, and I suppose that the imposition of heavy penalties is the only way to put these road hogs off the road. My district has contributed more than its share to the road toll this year and I am sorry to say that Dukes Highway is literally studded with road accident sites. We also seem to have had more than our quota of accidents on arterial roads.

My colleagues have referred to the deferment of the provisions regarding vehicle weights. These amendments are of concern and the hazard is worse in some areas than in others. I endorse what my colleagues have said and hope that this matter will be treated with common sense so that we can arrive at something that is acceptable to people who, through their organisations, have expressed concern.

Mr. BECKER (Hanson): I support the Bill with reservations. In his second reading explanation, the Minister stated:

> I consider that this Bill is urgently needed, as the Christmas holidays, with their usual threat of high death tolls on the roads, are fast approaching.

The Bill was introduced on October 29 and I should have thought that the House would want to pass it as speedily as possible. However, we have not dealt with it until this evening. We are being asked to agree to a new type of traffic speed system that will be a one-man operation, whereas the present radar system requires about three operators. Although I hope that the amphometer will contribute significantly to the reduction of the road toll, I have some reservations.

I have often doubted the merit of the radar system. It catches a certain number of people when they are travelling on a certain measured distance, and that is what the amphometer will do. A motorist could have been observing the law for about 100 km and then could be caught by the radar machine. I agree with the member for Eyre and the member for Victoria that we ought to have these machines on the worst sections of road, and I agree with the member for Eyre that signs should be erected indicating the presence of a radar machine ahead. If a motorist travels through that speed zone at a higher speed than the speed allowed, we should take his licence from him straight away. That is the only way to get the message through to those who blatantly exceed the speed limits. We have been pussy-footing around for far too long.

There can be technical arguments about the accuracy of the radar machine, and the amphometer will leave little room for dispute. However, there must be something wrong with the whole system when we must use this type of machine to try to curb the road toll. I hope that the collecting of statistics on the number of people who have been booked continually for exceeding the speed limit and also eventually are involved in accidents will give a lead.

The member for Victoria has spoken about the Dukes Highway, and some of our roads could contribute to accidents. High-power vehicles also could contribute. His Excellency the Governor commented recently on the number of accidents involving junior drivers, and I consider that the matter comes back to driver education. The sooner people are taught to drive properly, the sooner we will have better motorists.

Like the Minister, I hope this Bill will have a definite effect and, indeed, that it is only the beginning of many measures (as is the other part of the Bill) to ensure the utmost safety on our roads. Although I can understand the attitude of my country colleagues regarding certain vehicles used in primary production (they claim that these vehicles have a good reputation in relation to the road toll, and that they are heavy vehicles driven at only low speeds), I do not think, when we are considering road safety legislation, that any vehicles should be exempted from regulations. We must tackle the road toll hard and fearlessly as an overall policy, and there should be no exemptions.

Mr. EVANS (Fisher): Although I support the Bill, I do not agree that the drivers of heavy trucks, whom we are attacking first, are the main problem. If the loading capacities recommended by the committee advising the Registrar of Motor Vehicles are implemented, many trucks will be unable to cart economically. This class of vehicle will be of little or no use and will therefore be put on the market at a low price. Whether or not we like it, this will add to the cost that the community must pay. Heavy vehicles are not a major contributor to the carnage on our roads. Although any accidents in which they are involved are usually bad ones, such accidents are few and far between. Undoubtedly, the greatest area of concern in relation to road carnage is alcohol. Neither this nor any other Parliament has enough courage to say, "If you drink, don't drive." I believe that, if we said this—

The SPEAKER: Order!

Mr. EVANS: I am referring to the carnage on our roads, Sir. Some members have referred to the effect this Bill will have on road safety, and I am referring to the action that should be taken to overcome that carnage. My remarks in this respect will be short.

The SPEAKER: Order! There is nothing in the Bill about overcoming anything.

Mr. EVANS: The Bill contains a clause delaying, until the middle of next year, the operation of the provision relating to braking and motor vehicle weights. These provisions are being implemented for safety reasons. A large percentage of our road deaths comprises pedestrians who, in many cases, are overloaded with alcohol, as statistics have proved.

The SPEAKER: Order! I will not permit the debate to continue in that vein.

Mr. EVANS: I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Maximum weights."

Mr. GOLDSWORTHY: Will the Minister say whether grapegrowers will be exempted as a class or whether they will have to apply individually for exemptions?

The Hon. G. T. VIRGO (Minister of Transport): They will be eligible to apply individually.

Mr. GUNN: I am disappointed at the Minister's reply. Is the Minister willing at this late stage to reconsider the effects that these provisions will have on primary producers, particularly those represented by the member for Kavel, as well as those in the grain growing industry? Already, great concern has been expressed by certain grain carriers who are worried about the increased costs they will have to pay as a result of this Bill. Also, many anomalies have arisen and, if the legislation is promulgated, many more will occur in the next 12 months. It seems that those administering this legislation cannot give people information across the counter and must refer queries to other officers in the department. Will the Minister therefore consider the granting of exemptions to rural producers carting their grain at harvest time?

The Hon. G. T. VIRGO: Obviously, the member for Eyre has not read the Bill. The matter he has raised relates to a Bill that the House debated previously: this Bill simply deals with the deferring from January to July next of the date of operation. Parliament previously agreed to the provisions the member for Eyre is now seeking to amend, and it also previously agreed to the date of operation. The Government has now introduced this Bill amending that date because of the difficulties of complying with it. If the member for Eyre does not like that date, I suggest he vote against the clause.

Mr. GUNN: As the Minister and, indeed, the people I represent know, I am aware that a few weeks ago Parliament passed another Bill relating to these provisions. If this Bill to alter the date of operation of that legislation is brought before Parliament, surely it is competent for Parliament to review the situation because of the problem raised by many people in the community. As usual, the Minister has tried to sidestep the issue and is acting in his usual inflexible way.

The CHAIRMAN: Order! I suggest that the honourable member for Eyre confine his remarks to the Bill.

Mr. GUNN: I should be far happier if this provision did not operate for another 12 months.

The Hon. G. T. Virgo: You are really saying, "Let us exempt the farmers from any provisions connected with road safety."

Mr. GUNN: If the Minister likes to promote that course of action, he is at liberty to do so, but the Opposition wants the realities of the situation to be faced.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1964.)

Mr. EVANS (Fisher): On November 13, when I was granted leave to continue my remarks on this Bill, I said that I was not very thrilled about seeing an increase from $300 000 to $500 000 in the limit of the estimated cost of a project below which a proposed public work need not be referred to the Public Works Committee. I said that, in view of the Commonwealth Government's financial policies and its poor handling of the economy, I could understand the reason for increasing the limit. Figures have been released today showing that I was incorrect in my judgment on November 13: the proposed new limit of $500 000 must now be considered to be too low. Indeed, if the Commonwealth Government continues on its present financial path, we shall be lucky if a toilet block at a primary school does not cost more than $500 000.

Some builders have started to give quotations that are below those that they gave earlier in the year. Accusations could be made that earlier in the year they were trying to profiteer because of the shortage of labour and materials. However, I point out that nowadays, because materials and labour are more readily available, builders can budget better, thereby cutting their overhead costs. Their chief fear nowadays relates to the possibility of strikes and industrial action.

In 1970, when the Government wanted to increase the limit to $400 000, I expressed strong views, and at that time Parliament eventually increased the limit to $300 000. I now do not object to $500 000 being the limit. Indeed, because of the current inflationary trend there is some justification for the limit being $600 000. The Prime Minister has recently told us that the situation will be even worse in 1975. So, perhaps next year the legislation will be further amended to increase the limit to $700 000 or $800 000. New section 25a (2) provides:

> Subsection (1) of section 25 of this Act shall not apply and shall be deemed never to have applied to any Bill introduced by a Minister if that Bill contains a provision that, or to the effect that, this Act shall not apply to the public work proposed to be authorised to be constructed.

The Monarto Bill contained a provision whereby Monarto was to be exempted from the scrutiny of the Public Works Committee. If that provision had been approved, the Public Works Committee would not have been able to investigate any school or hospital built at Monarto whose cost exceeded the limit. Because of the alertness and the powers of persuasion of the Upper House, the Government was convinced that it should accept an amendment striking out that provision. It was technically unlawful for that Bill to be introduced here. Section 25 of the 1970 Act provides:

> ...it shall not be lawful for any person to introduce into either House of Parliament any Bill—
>
> (*a*) authorising the construction of any public work estimated to cost when complete more than $300 000; or
>
> (*b*) appropriating money for expenditure on any public work estimated to cost when complete more than $300 000.

So, technically, when the Monarto legislation was introduced, it was unlawful. We considered that legislation, and the Opposition should be criticised for allowing it to be introduced without bringing that matter to the notice of Parliament and of the public. Likewise, the Government should have been aware of the position. If legislation concerning the Redcliff project comes before this House, it will have to be examined carefully in this connection, because the Monarto legislation was technically unlawful when it was introduced.

The other point I wish to make is that projects should be considered by the Public Works Committee. It is an efficient committee, although it sometimes upsets members when it stops work being started on projects that members believe are important However, I respect the committee's

judgment and the decisions it makes. I do not object to the changes sponsored by the Government in this instance. They are acceptable, although the sum of $500 000 might have to be reviewed within a year because of the current high rate of inflation.

Mr. GOLDSWORTHY (Kavel): I refer to clause 2, which deals with the need for projects to be submitted to the Public Works Committee for investigation. The member for Fisher referred to relevant sections of the original Act. I understand that the Highways Department has obtained legal opinions from the Crown Law Department and that those opinions indicate that the department need not submit its projects to the committee for scrutiny However, I believe the Highways Department should have to submit its projects to the committee.

I refer to the investigations undertaken by the Public Accounts Committee since its inception. That committee has investigated two Highways Department projects referred to in the Auditor-General's Report. Obviously, there is some conflict between Acts. The member for Fisher referred to the legislation on Monarto and there has been a clash of opinion over sections of the Highways Act. Yet the Crown Law opinions have indicated that the Highways Department need not submit its projects to the Public Works Committee for scrutiny. However, from the evidence I have considered on the Public Accounts Committee, there appears to be a pressing need for projects undertaken by that department to be scrutinised.

The Public Accounts Committee has investigated the construction of the Port Augusta bridge and the Kingston bridge. It transpired that the department referred those two projects to the Public Works Committee, but it did so for two reasons: first, because it considered it might need access to loan funds (and in such a situation the department is required to have its projects scrutinised); and secondly, because it wanted to sound out public opinion in respect of those projects. I point out that the estimates given to the Public Works Committee in both those cases were grossly inaccurate. In fact, it now appears that the department was merely using up the committee.

The SPEAKER: Order! The honourable member must link up his remarks with the Bill. There is nothing about any department in the Bill.

Mr. GOLDSWORTHY: I am referring to clause 2 of the Bill.

The SPEAKER: That deals with an increase in an amount of money.

Mr. GOLDSWORTHY: It refers to the amendment of the provision dealing with the need for Government departments to refer projects to the Public Works Committee. The amendment provides that the sum be increased to $500 000, and I believe that such a provision should apply to the Highways Department. I am not canvassing the argument concerning the suitability or otherwise of $500 000 but, if we are seeking any parity between the original figure provided in the Public Works Standing Committee Act and current values, obviously this amendment is only keeping up with those values. Although I share some reservation with the member for Fisher on this matter (projects costing $400 000 are major projects, too), there must obviously be a limit and if we are seeking parity, $500 000 seems to be a realistic figure. It is essential that all Government departments, including the notable exception, the Highways Department, submit their projects to the Public Works Committee for scrutiny, thereby coming under the scope of this Act.

At the appropriate time I hope that Parliament will take the action I have suggested. Apparently, this is not the appropriate time. I refer to the evidence taken by the Public Accounts Committee and, if members examine the third report of the committee, dealing with the Highways Department, they will see that my concern about the department is relevant. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Non-operation of section 25."

Mr. COUMBE: Although the Attorney introduced this Bill, the Acting Minister of Works handled it the other evening. As the Minister gave certain undertakings in respect of clause 3 (2), will the Attorney report progress until his colleague is here so that he can deal with the matters I referred to in the second reading debate?

Progress reported; Committee to sit again.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 17. Page 1575.)

Dr. TONKIN (Bragg): I support the Bill, which contains two major provisions and which represents almost an interchange of power. One provision grants to members of the Police Force power to question and require proof of age of people seeking admission to premises where R classification films are being exhibited. In this way there is an additional safeguard towards preventing an offence taking place. This power is already given to the proprietor or his employee, and this amendment will strengthen the original Act.

The second provision provides that the employer or his employee can not only ask people reasonably believed to be under the age of 18 years to leave or to prove that they are not under the age of 18 years: it permits the use of reasonable force to remove such people from the theatre. Again, this must strengthen the law and will help to prevent an offence from being committed. Undoubtedly, the present provisions of the Act are not completely complied with; this is nothing wilful, only something that happens. Certain young people who look older than their years use their appearance to gain admission to theatres. Sometimes it is simply done because they hope it proves that they are adults, or it is done as a slight challenge to authority and the law.

In any event, I do not think that any blame can be placed on theatre proprietors or their employees, because it is impossible for them to identify someone's age from their appearance. The sheer numbers of people attending theatres makes it impossible to police the legislation adequately. By passing this Bill, we will grant an interchange of powers: we will give to proprietors and employees the powers the Police Force already has, and we will reciprocate in the other direction. I support the Bill, which will have the effect of strengthening the legislation and helping to prevent offences from taking place.

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

PUBLIC FINANCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 24. Page 1688.)

Dr. EASTICK (Leader of the Opposition): I support the Bill, which brings into effect a provision the Treasurer

outlined when he introduced the Budget. In addition, it will give anyone looking in from the outside a much better appreciation of the State's financial affairs. I hope that the prophetic statement contained in the second reading explanation that it is hoped that, at some time in the future, there will be a reimbursement by the Commonwealth Government will mean that the money will be forthcoming without delay on every occasion on which an appropriation is entered into. Certainly, some of the statements the Treasurer has made over the years indicate that often Commonwealth funds are not made available until the last day or two before the end of a financial year. Although such a practice may have the result of balancing the Budget, it does nothing for the State's finances. As the Opposition gives full support to the Bill, I hope that it will be passed without further delay.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 24. Page 1688.)

Mr. NANKIVELL (Mallee): This Bill has several interesting aspects. First, some members and many people might be interested in the history of the Industries Development Committee because of the important role it plays in industrial development in this State by assisting industries that are unable to obtain the necessary financial assistance from normal sources under terms which make it possible for them to become viable operations. It is interesting to read a short section of the second reading explanation in 1941, when the legislation was first introduced. A little history is attached to it, together with many other interesting comments, which point out that things have not changed much in the meantime in the attitude between this State and the Eastern States with regard to industries. In his second reading explanation, the then Treasurer said:

Moreover, perhaps never before in the history of the State have so many opportunities for industrial development presented themselves. For many reasons, Australia is becoming daily more important as the Empire's focal point in the Pacific. Our very existence requires us more and more to be self-reliant and progressive. At a time such as this South Australia must either jump forward or be forever content to remain a backward country with lower standards than the Eastern States. Furthermore, the normal means of financing industry in South Australia are restricted as compared with those of Melbourne and Sydney, and cases are not uncommon when financial backing obtained in the Eastern States has also meant the establishment of the industry there. Cases are also known where the financial influences of Melbourne and Sydney have been used to stifle any attempt to establish a would-be competitor in South Australia. War Emergency Regulations have also placed restrictions upon the formation of companies and the issue of share capital. With this background we approach the problem...

Turning now to the details of the Bill, since finance is now the principal requirement for the establishment and extension of industries, the Bill deals primarily with it. Its principal clause empowers the Treasurer to guarantee loans made or to be made for the purpose of the establishment and extension of secondary industries. It is intended that the powers conferred by the Bill will be used with caution and only in accordance with the recommendation of a committee on which Parliament will be strongly represented.

From that, one can see that the original legislation empowered the Government to guarantee loans to people engaged in or about to be engaged in industry, requiring first of all that they be investigated and reported on by the Industries Development Committee. No guarantees were to be given, except under the conditions set out in the original section 14, which is proposed to be amended by the Bill now before us and which provides:

Subject to this Act, the Treasurer may guarantee the repayment of any loan made or to be made to any person engaged or about to engage in an industry, for the purpose of enabling him to establish or carry on or extend such industry.

(2) No such guarantee shall be given unless—

(*a*) the committee has first inquired into the business or proposed business in connection with which the guarantee is to be given: and

(*b*) the committee has reported to the Treasurer that in its opinion there is a reasonable prospect that the business or proposed business in connection with which the guarantee is to be given will be profitable: and

(*c*) the committee has reported to the Treasurer that in its opinion the effect of giving the guarantee will be to increase or maintain employment in the State at the recognised award rates of pay and has recommended that the guarantee be given: and

(*d*) the person to whom the loan has been or is to be made has agreed to pay to the Treasurer, as consideration for the guarantee, a commission at an agreed rate, not exceeding two per centum per annum, on the amount of the loan for which the guarantee is given, and to comply with any other conditions imposed by the Treasurer on the recommendation of the committee.

I will not read any more of section 14, because those are the pertinent provisions. In 1972, that section was amended, principally in subsection (2) (*b*), by extending the area of operation of the committee, adding the following passage:

except in the case of a business being the carrying on of any sporting, cultural or social activity not for, or in the expectation of, profit or reward, where it shall be sufficient compliance with this provision if the committee has reported to the Treasurer that there is a reasonable prospect that the business or proposed business in connection with which the guarantee is to be given is capable of earning an income sufficient to meet its liabilities and commitments.

We have now moved out of assisting industry into assisting sporting, cultural, or social activity on the same basis: subject to the recommendation of the committee and subject to the operations of the organisation concerned being sufficiently profitable to earn an income sufficient to meet liabilities and commitments. The old paragraph (*c*) was struck out and a new one inserted, as follows:

(*c*) the committee has reported to the Treasurer that, in its opinion—

(i) the effect of giving the guarantee will be to increase or maintain employment in the State at the recognised award rates of pay;

or

(ii) the giving of the guarantee will be in the public interest,

and the committee has recommended that the guarantee be given:

That appears at page 867 of the 1972 South Australian Statutes. This Bill provides a third amendment to subsection (2) (*c*), the new requirement being that the committee has reported to the Treasurer that, in its opinion, the giving of the guarantee will be in the public interest and has recommended that the guarantee be given. I do not know why that could not have been written in in the first instance, because it covers all that was implied in the original legislation and in the amending Act of 1972. Many words were used to cover what has now been covered in three short lines of the Bill.

A new section 16a inserted in 1971 set up the Industries Assistance Corporation, which is a statutory body with powers to borrow, as a semi-governmental body; that is, with the approval and under the guarantee of the Treasury and to the further extent required funds will be provided by the Treasury out of funds provided by Parliament for the

purpose. We set up a corporation that could borrow either with a Treasury guarantee, from funds provided by the Treasury, or from funds provided through Parliament for the purposes of the Act.

As I have said, the corporation was also empowered to lend money under terms and conditions not available in the normal banking areas of finance. That is a significant point with regard to the Bill, as well as in relation to the corporation, which is the fund-raising body under this legislation. In 1971, when this section was added to the Act, it was thought that $3 000 000 would be adequate as a basis from which the corporation could satisfactorily finance applications made to it by companies that had applied previously to the Industries Development Committee, and whose applications had been recommended. It is now quite obvious that, owing to inflation, the demands presently being made on the corporation for assistance are such that this sum is completely inadequate; consequently, it is intended, first, that this amount should be increased to $5 000 000; secondly, that the maximum amount of any loan should be increased from $200 000 to $300 000; and thirdly, that the powers of the corporation to lend without a committee recommendation should be increased from $75 000 to $100 000.

The committee making these recommendations is a statutory committee of five members, four of whom are members of this Parliament. I am sure that, in view of the safeguard provided by such a responsible committee being required to make the necessary recommendations before a loan can be given, and in view of the importance of this assistance to many embryonic and developing companies in this State, it would be irresponsible if we were not to give the Bill our wholehearted support. I do so now in supporting the second reading.

Mr. SLATER (Gilles): I support the second reading of the Bill. The amendments to the Act mainly increase the monetary amounts provided to the Industries Assistance Corporation. First, as the member for Mallee mentioned, the maximum sum that may be borrowed at any one time is increased from $3 000 000 to $5 000 000. The member for Mallee has also instanced the cultural, social, and other organisations which may come before the Industries Assistance Corporation for assistance. In addition, the Bill seeks to amend section 16g of the Act to increase from $200 000 to $300 000 the amount the corporation can provide to one person or organisation, and to raise from $75 000 to $100 000 the sum that may be loaned before reference is made to the Industries Development Committee. The Industries Assistance Corporation has played what I believe to be a valuable part in assisting South Australian industry, and I support the monetary sums set out in the Bill.

As Chairman of the Industries Development Committee, and speaking, I believe, on behalf of the other members of the committee, I can say that we support the changes in amounts. This will provide a level of assistance in keeping with the trends of the times. As Chairman of the committee, I know the work that the corporation does in preparing references to our committee, and it is fitting to pay a tribute to the members of the corporation for that work. In the financial year ended June, 1974, the Industries Development Committee considered and approved Government guarantees for loans, South Australian Housing Trust applications for the erection of factory premises, and references to the committee by the corporation to the total value of $9 800 000.

This sum does not include applications to the corporation for loans of less than $75 000. Those loans would greatly increase the amount as far as the corporation is concerned, but those matters are not referred to the committee. I support the increase to $100 000 before reference is made to the committee. It is apparent that the corporation has sufficient scope in its activities to consider applications for a lesser amount without reference to the committee. Both the corporation and the committee have assisted industry that is so essential to the growth of the State and, as the member for Mallee has said, that is in the public interest.

Mr. BECKER (Hanson): I support the remarks made by the member for Mallee and the member for Gilles. Members of the Industries Development Committee have come to understand and appreciate the tremendous value that the committee gives to the State. The increase being made in the various amounts is realistic. I am sure that the industrial development of this State would not continue to progress if it were not for the valuable assistance given by the Industries Assistance Corporation. When we consider the tremendous competition from industries in the Eastern States, we realise that we are fortunate to have men of such calibre on the corporation and the committee, and also engaged as research officers.

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

HOUSING AGREEMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1994.)

Mr. EVANS (Fisher): This small Bill has been introduced following a meeting of State and Commonwealth Housing Ministers on October 11 this year, when there was general agreement to the proposal. It is interesting to note that the Premier of Queensland (Mr. Bjelke-Petersen) already has had the measure passed through his Parliament. He is making sure that the Commonwealth Government cannot back down on its obligation. It seems strange that people should be going to his State to campaign when his is the only State that has passed a similar Bill and has moved quickly to use its provisions

The Hon. L. J. King: He's got only one House.

Mr. EVANS: It is no good the Attorney-General mentioning that. The Government here has only started to deal with the measure in this House, let alone have it referred to the other place. We must congratulate the forward-looking and progressive Premier of Queensland for pushing the measure through his House so quickly.

The Hon. L. J. King: You may even convince Sir Gordon Chalk.

Mr. EVANS: I think he also may congratulate the person who works in conjunction with him. I do not think the provision for 30 per cent to go into the Home Builders Account is objectionable. I support the measure. I will not speak any longer, so that it can go to another place and receive a speedy passage. In that way, we will be able to catch up to Queensland.

The Hon. D. J. HOPGOOD (Minister of Development and Mines): For the benefit of the House, I mention that the Treasurer introduced this Bill in the first place. I simply want to make the point that one of the measures has been introduced for the benefit of other States rather than this State. The 30 per cent requirement is one which we had exceeded already and which we were allowed to exceed under section 4 (3) (*a*), having been above the 30 per cent level for two consecutive years.

Of course, the point made by the member for Fisher was completely empty. The agreement was an agreement from the moment it was accepted at the conference, and it has not been suggested in any way that the State Legislatures would want to depart from what was agreed then. We have already had for some time the benefit of one of the measures that we are ratifying now. I am referring to the figure in excess of 30 per cent for Home Builders Account.

Mr. Mathwin: Would you say—

The Hon. D. J. HOPGOOD: For the benefit of the honourable member, I say that if he believes that Fascist thugs should be used in electioneering, I do not.

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

TARCOOLA TO ALICE SPRINGS RAILWAY AGREEMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1995.)

Mr. GUNN (Eyre): On behalf of the Opposition, I support the Bill. The Opposition is fully aware of the importance of this project not only to this State but also to Australia generally. Indeed, this is one of the largest projects of its type, which has been programmed for completion in about five years and which is of world-wide standing and significance. It will obviously be of much benefit to this nation, and particularly to the people living in the outback areas who will use this service. I should like to say how helpful the officers of the Commonwealth Railways were in my discussions with them regarding all aspects of the project, which has been brought about under Part 34 of the Constitution, which is referred to on page 13 of the *Australian Year Book,* as follows:

> Railway constructions and extensions in any State, with the consent of that State.

As the Minister said in his second reading explanation, this matter has been discussed for many years. Indeed, I think the Railways Commissioners agreed to this measure in 1970. That was in the enlightened days under the Commonwealth Liberal and Country Party coalition Government, and much of the credit for this legislation must go to the Hon. Peter Nixon who will, in future, again play a significant role.

Mr. Payne: Tell us how much money you got then.

Mr. GUNN: I am pleased that the member for Mitchell has interjected. It is fortunate that I have some information with me. On page 17 of the Budget Speech delivered by the Commonwealth Treasurer (and I use the word "delivered" advisedly, as I do not think he was the author of the document), under the heading "Rail Transport", Mr. Crean said:

> Agreement has also been reached for the construction by Commonwealth Railways of a standard gauge line that will provide a secure all-weather link between Tarcoola and Alice Springs. Expenditure this year is estimated at $2 000 000.

The overall project has been estimated at this stage to cost $148 000 000. It is interesting to note that when Mr. Snedden delivered his 1972 Budget Speech, which was a far better document than the one delivered by Mr. Crean—

Mr. Mathwin: You mean "the temporary Treasurer"?

Mr. GUNN: That is so. On page 8 of his speech, under the heading "Other capital works and services", Mr. Snedden said:

> Following an agreement with the South Australian Government, we will construct a railway from Tarcoola to Alice Springs. The total cost is estimated at $54 000 000 at current prices. Expenditure of $3 400 000 is expected this year.

One can see how, under the policies of this Government and those of its Commonwealth counterpart, costs have increased and how inflation has played such a major role in the cost of this project. I am pleased that the member for Stuart is taking notes. Perhaps he agrees that it is good that it will cost about $140 000 000. I make the point that, if this Government had been a little more astute and got on with the project, it would have saved many millions of dollars of the taxpayers' money which could have been spent on other railway links, perhaps on linking Adelaide and Melbourne with a standard gauge line, which I believe the Minister is now advocating. However, those are interesting side issues that ought to be brought to the attention of the House. The Minister is now in the Chamber. Other Ministers have been involved in this matter over a number of years. The Opposition is pleased that this scheme is now about to come to fruition. If one examines the railway systems in this State and the Commonwealth, one can see that the greatest blunder ever made was the number of railway gauges that were constructed.

I am delighted that at last people have got together and talked rationally about these problems so that the standard gauge system can, I hope, be spread right across the nation, to everyone's benefit. To the extent that the Minister has been involved in this matter credit is due to him, I am pleased to compliment him. However, many people and Ministers have been involved in this project, which is one of the major railway projects in the whole history of railway development in this State. The history of the railways in this State goes back to 1854. By 1877, about 482 kilometres of railway line had been built, and today about 3 861 km of line has been constructed. The railways have indeed played a significant role in the development of this country, providing an inexpensive but reliable freight system that has helped develop the outback of this State. I am pleased that the Commonwealth Government is to accept the full financial responsibility for this undertaking. This is indeed a different situation from that which has obtained previously. South Australian taxpayers have been forced not only to meet the huge losses incurred by the railways but also the huge interest charges that have had to be paid on capital works undertaken many years ago.

The SPEAKER: Order! The House is dealing with a specific Bill, to which the honourable member should confine his remarks.

Mr. GUNN: Certainly, Mr. Speaker. I was merely making a comparison. However, I will not labour that point. It is high time that the problems facing the railway system in this State, especially in relation to the payment of interest on capital works undertaken many years ago, were highlighted. In my discussions with people regarding this project, I asked what type of rail sleepers were to be used. I understand that, at the time contracts are let, tenders will be called for concrete and timber sleepers. I hope that reality comes to the forefront and that concrete sleepers will be used.

Mr. Venning: Not timber ones from Singapore.

Mr. GUNN: I hope the Minister agrees that we should use concrete sleepers.

The Hon. G. T. Virgo: For political purposes, the former Minister, Mr. Nixon, insisted on using timber sleepers in Western Australia.

Mr. GUNN: I do not recall that.

The SPEAKER: Order! The House is dealing with a specific Bill.

Mr. GUNN: I understand from my inquiries that concrete sleepers could be produced at Port Augusta, providing valuable employment. Obviously, if common sense prevails, concrete sleepers will be used, because other countries have found them to be most suitable in relation to maintenance.

The Hon. G. T. Virgo: I am glad you have come around to our point of view. I have been advocating that for the past three years.

Mr. GUNN: Of the 830 kilometres of this line, more than 500 km will be in South Australia. Unfortunately, it has been found necessary to by-pass Coober Pedy, the route being 32 km from that town. Many people in that part of my district are concerned that the line will not pass through the town. Facilities will have to be provided so that people can have access to the line. People in the North have suffered greatly as a result of lack of proper road and rail facilities. Obviously, we will see the end of the Marree-Oodnadatta section of the line; no doubt the member for Frome will touch on this aspect. The new line will give a complete railway coverage of the continent. Railways serve two functions, a commercial function and a social function. Obviously, the people in the areas served by the new line will have a good, fairly fast, and cheap rail service to the capital cities, and they will not be faced with the problems with which they have been faced in the past. It is expected that the population of Tarcoola will be increased by 50 per cent when the line is established. I look forward to attending the opening of the line, and I look forward to being on the other side of this House at that time. I sincerely hope that the line will be completed within the five-year time limit and within the estimated cost. I hope that the Bill will be quickly passed so that the project can be commenced.

Mr. KENEALLY (Stuart): Of course, I support the Bill. The member for Eyre spent the early part of his speech trying to make a cheap political point, and he then complimented the South Australian Government and the Australian Government on what they were doing toward the standardisation of Australian railways. No matter how much members opposite may be critical, the fact remains that this agreement has been reached between a Commonwealth Labor Government and a South Australian Labor Government. The Bill simply ratifies an agreement already signed by the Premier of South Australia and the Prime Minister. The ratification of the agreement is very much welcomed in Port Augusta.

I agree that this Bill should have been passed many years ago. Certainly the civil engineering branch of the Commonwealth Railways has been ready for some years. The design of the railways and of the bridges has been done; work is ready to go the moment the Bill is passed. I hope that concrete sleepers will be used for this line and also for the line between Adelaide and Crystal Brook. There is every reason to believe that concrete sleepers will give 50 years of trouble-free service; timber sleepers do not give that length of service. The Minister pointed out by interjection that the reason for earlier difficulties with sleepers was that a purely political decision was made by the then Commonwealth Minister for Transport, Mr. Nixon. For reasons based on winning a seat in Western Australia, that Minister brought down a decision, favouring Western Australian timber, that reacted against the South Australian work force. There was a very strong lobby at that time in Western Australia favouring the use of timber sleepers. On the Nullarbor Plain workmen are still replacing timber sleepers with other timber sleepers. In due course we will join with other countries in using concrete sleepers.

Most people know the history of standard gauge lines and narrow gauge lines in the North, so I will not bore members with the details. It is a pity however, that towns like Oodnadatta, Abminga and Finke will no longer have a railway running through them. Of course, not many people now live in those areas, but to railway people those towns are of great sentimental value. To people who worked there, they were also areas of great privation, because of the extreme heat and isolation. I wish to say how pleased I am that this legislation will now be passed. I know that Commonwealth Railways personnel, especially the engineering people, have been waiting for this. They have been geared up to set into being immediately what will be one of the great railway building projects in the world; this point has already been made. This project will bring untold benefits to the Northern Territory. On completion, the project will provide an all-weather railway to Alice Springs, and this has never previously been in existence.

All honourable members know of the wash-outs of the Central Australian railway. They know that people in the inland are often cut off for many weeks from their Adelaide sources of supply, and this will not be the case once the new line is completed. This project will continue the Australian Government's programme to standardise railway systems throughout Australia. True, the only other major lines remaining to be standardised are between Adelaide and Melbourne, and the Cairns line in Queensland. I hope that those Governments see fit to standardise these lines soon. I will not comment on the Queensland Premier, except to say that, if any honourable member opposite associates himself with that gentleman, he should be ashamed of himself.

Mr. Mathwin: You haven't the guts to stand up and support Gough Whitlam.

The SPEAKER: Order! The honourable member must return to the Bill.

Mr. KENEALLY: You would not allow me, Mr. Speaker, to reply to the member opposite, and if I said I did support Gough Whitlam you would rule that out of order.

The SPEAKER: Order!

Mr. KENEALLY: If members opposite had to choose between the Prime Minister of Australia and the Queensland Premier, they would have rocks in their heads if they supported the Queensland Premier.

The SPEAKER: Order!

Mr. KENEALLY: I support this most worthwhile Bill, which will provide untold benefits for both South Australia and the Northern Territory. It should have been introduced a long time ago, but it is better late than never.

Mr. ALLEN (Frome): I support the Bill, which provides for the building of a standard gauge railway from Tarcoola to Alice Springs. The railway is necessary for several reasons, and the project has been considered vital to this country for a long time. We have had the ironical situation of freight consigned to Alice Springs being loaded on a broad gauge line in Adelaide, railed to Port Pirie, transhipped from the broad gauge line to the standard gauge line for transport to Marree, where the goods are once again transhipped on to the narrow gauge line to Alice Springs. So, there are three different gauges between Adelaide and Alice Springs. With the advent of the

Adelaide to Crystal Brook line and the Tarcoola to Alice Springs line, we will be able to freight goods from Adelaide to Alice Springs on one gauge, and this will be a great help to Australia.

The old line has been subject to frequent flooding. Honourable members will recall constantly hearing that the northern line is unusable because of flooding. The new line will be situated many kilometres west of the old line, in country where there are relatively few watercourses. I have a Lands Department map of the North of the State outlining the boundaries of individual cattle stations and illustrating the position of watercourses throughout the North. Close study of the map reveals that the railway line from Marree to Alice Springs runs close to Lake Eyre South, and crosses several major watercourses.

All honourable members know that Lake Eyre is about 11 metres below sea level, and all the watercourses in the North converge on it. For example, the Kallakoopah, the Warburton, the Cooper, the Clayton, the Frome, the Douglas, the Neales and the Macumba Rivers all empty into Lake Eyre North. The Welcome, the Gregory, the Stuart, and the Margaret Rivers, and Anna Creek all run into Lake Eyre South. The existing narrow gauge railway line crosses these five watercourses. The Finke River is a tributary from the Northern Territory and is one of the main obstacles on the present line. It runs south to join up with the Macumba, and flows into Lake Eyre North. The watercourses from the far north-eastern corner of the State extend to Queensland and almost to the north-western corner of the State, a distance of about 800 km. All these rivers flow into Lake Eyre.

Coming south from Lyndhurst, which is about 190 km south of Lake Eyre, the water runs north into the lake. As one comes further south to the eastern side of Hawker, the water runs north into Lake Torrens, and on the eastern side of the Flinders Ranges it runs into Lake Frome. The water from the North does not enter the sea: it runs into inland lakes. This has been the problem facing not only the existing railway line but also the existing road. Wet seasons create havoc generally with transport in the North of South Australia, and the new railway line will overcome this problem. As I have previously stated, it is a project for which most people in the North of the State have been waiting for a considerable time.

We have also been led to believe that a new Stuart Highway to the North is to be constructed in the future. However, I understand that the exact route of the highway has not been decided on, and may not be finally determined until the end of next year. In his second reading explanation the Minister stated:

The floods almost totally suspended rail services between Adelaide and Alice Springs. Naturally, the isolation of people in Alice Springs by the cutting of the rail link brought about great inconveniences. This particular disruption to the rail service was not the first. In 1966 flood damage created a similar situation.

It did create a similar situation, but not as bad as that we have recently experienced. The recent flood filled Lake Eyre South, for the first time in the history of the white man in the North of the State, to such an extent that the railway line over a distance of 1 km has had to be jacked up by several metres, and a wall of earth, 1 km in length, has been constructed to keep the water away from the line. The Minister continued:

Through negotiation with the Commonwealth, we have been given an assurance that the existing Port Augusta-Marree railway will not be closed, so long as the Port Augusta powerhouse is dependent on coal from Leigh Creek. We have also been assured that the freight rates on this line will be compatible to rates charged on other sections of the Commonwealth Railways system. These two matters were the last of many considered of importance by this Government and did result in protracted negotiations.

I hope that the Government, in those protracted negotiations with the Commonwealth Government, has not adopted the recommendation in the Coombs report, in which it was recommended that the State renegotiate the freight rates on coal carted from Leigh Creek to Port Augusta. Most members will know that this agreement was entered into many years ago when Sir Thomas Playford was Premier. I believe that the price negotiated was in perpetuity, and cannot be altered except by an agreement entered into between the State Government and Commonwealth Government. I hope that the State Government has not entered into any conditions whereby renegotiation of the freight rates will be entered into.

Marree will no doubt suffer when the narrow gauge line is closed. At present, transhipping brings employment to a considerable work force, and this type of work is excellent for the Aborigines who live in the town. However, I am afraid that, when the line is closed, some of these people may have to find work elsewhere. There are about 30 Commonwealth railway houses in Marree, and I hope that, when the line is closed, these will be made available to the Aborigines in the district. I have been promised several times that additional houses would be erected for Aborigines in Marree and, in reply to a question about two years ago, I was told that 14 houses were to be erected. However, at present there are only five such houses. I hope that, when the time comes, many of these houses in Marree will be made available to the Aborigines. In his second reading explanation, the Minister also said:

Members will be aware of plans for the construction of the Stuart Highway on a new alignment that will closely follow the route of the Alice Springs to Tarcoola railway. Because the highway and the rail line will cross at a number of locations, the Highways Commissioner and the Railways Commissioner will need to consult whenever necessary. Through the co-operation of both parties, it is hoped the best possible crossing protection will be provided.

It is expected by the Highways Department that the new railway and the new Stuart Highway will cross only once over the whole of this journey. I understand that present plans are that it will cross at about Mount Chandler. An article in the *Sunday Mail* of November 3, under the heading "Oodnadatta to die", states:

One town will die and another will be born in South Australia's Far North within the next five years. The town to die will be Oodnadatta (population 350) and the new one will be nearly 200 miles to the north-west at Mount Chandler. This is the point where the Stuart Highway and the new railway line to Alice Springs will meet. The new rail line—due in 1978—will replace the existing Ghan line which runs through Oodnadatta.

"Oodnadatta will inevitably die with the closing of the Ghan," Mr. Phil Cooper, Senior Planning Officer with the State Planning Authority, said this week. Mr. Cooper was a member of a 16-man Government interdepartmental team which did a two-week study of the Far North recently. The study—the last of three—was to prepare a development plan for the area, which covers 70 per cent of the State and the least of its population. Mr. Cooper said preliminary plans were to replace Oodnadatta with a new town at Mount Chandler. "It probably will be called Chandler," he said.

The siting of the town will depend, to a large extent, on the reaction of Aborigines on the Indulkana reserve five miles away. Talks on the issue have been held with the Aborigines and the residents of Oodnadatta. The manager of the Indulkana reserve, Mr. John Leahy, and the chairman of the reserve council will be in Adelaide tomorrow for further discussions.

I do not entirely agree with Mr. Cooper's remark that Oodnadatta will die, because I understand that, before the Commonwealth Government built the new Aboriginal

hostel at Oodnadatta, a survey was taken on the future of Oodnadatta when the new railway line was built. It was known even that long ago that the new railway would eventually come to that area. A survey was taken and, I understand that, regarding the school, of the total attendance of about 70 students, only eight were in any way connected with the railways, and it was considered that, even if the railways left Oodnadatta, there would still be sufficient children in the area to maintain the school.

The Commonwealth Government built a hostel at a cost of about $140 000 to accommodate orphan children and those from stations who wanted to attend school. The South Australian Education Department built a Samcon school there recently, and it was satisfied that the population was sufficient to warrant a school being built. Oodnadatta has an excellent police headquarters, with several houses, and it will always be a police centre. Also, it has an office and a house for a health officer. The Highways Department has a good depot there. The Community Welfare Department has a good establishment there, together with a hostel, and I believe that Oodnadatta will always be a viable propostion, although there may be some decrease in population. Two weeks later, an article appeared in the *Sunday Mail,* under the heading "Yes to town, if there's no drink", stating:

Aborigines at Indulkana reserve in the Far North of South Australia do not want a proposed new town... if it means more liquor. Members of the reserve council and the reserve manager, Mr. John Leahy, were in Adelaide last week to discuss with Government officials the siting of a new town at Mount Chandler. "If there is going to be a liquor licence we will petition against it," Mr. Leahy said. Council chairman Mr. Whiskey Tjykanku said, "I think the town will mean drinking and fighting. When you have that a man doesn't look after his kids. He doesn't buy them clothes." Mr. Rodney Highfild, another Aboriginal, said, "If a town comes it will mean a pub."

I think that that gives an idea of Aboriginal thinking on the Indulkana reserve. I can confirm this, because just after I became the member for Frome I visited the reserve, which is in the Eyre District, and I was impressed by the absence of liquor on it. The reserve is some distance from a hotel, and the Aborigines are proud that they have no liquor problems there. However, if a new town is built at Chandler, which is only about 8 km from Indulkana, I fear what might happen. I hope that the powers that be will bear this in mind and, if it is possible for the road and the railway to converge about 50 km down the line, it would be a wise move to establish the town farther away from the reserve. Almost certainly, I think, the licence for the hotel at Oodnadatta will be removed to the new town. I think that Oodnadatta would then be an excellent Aboriginal centre, because there are worthwhile buildings there and it would not pay for them to be removed. We would have another excellent Aboriginal centre with no liquor problems. I hope that that suggestion will come to fruition.

I, together with other members, am happy that this project is about to commence, and I am sure that most people in the North will appreciate this move. However, I see another problem looming, namely, that, when the narrow gauge line from Marree to Oodnadatta is closed, many thousands of cattle in the North-West area will have to be road freighted to Marree. I believe that we will need a beef road from Marree to as far north as Allandale a station about 16 km south of Oodnadatta. Any cattle north of the area possibly would go to the new standard gauge line and come down by rail, but any south of Oodnadatta would have to be road freighted to Marree, and we would then need a beef road to get the cattle through. I assure the Minister that I shall be worrying him from time to time on this matter to see whether we can get a beef road grant from the Commonwealth Government when the line is closed. I think we have a good case, and a beef road will help these people, especially those in the Anna Creek and Allandale areas. I support the Bill.

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

ADJOURNMENT

At 11.43 p.m. the House adjourned until Wednesday, November 20, at 2 p.m.