LEGISLATIVE COUNCIL

Wednesday, September 1, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

WHEAT

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: On Tuesday of last week, in reply to a number of questions about wheat quotas, the Minister clarified the Government's attitude towards many of these issues. However, in reply to a question on the future of the Wheat Deliveries Review Committee, the Minister said:

The future of the review committee will depend entirely on whether or not that committee is satisfied . . . that all people who wish to do so have appealed against their quotas and that the whole of the wheat industry had reached a common denominator.

Will the Minister be good enough to elaborate on what he means by "common denominator"? Who will decide when this common denominator has been achieved?

The Hon. T. M. CASEY: This will be decided by the review committee itself. I am sure the honourable member realizes that the review committee was set up to deal specifically with appeals. It was hoped, as I have stated before, that the appeals would have been completed last season. However, they were not, but it is hoped (and this is the information that has been conveyed to me by the review committee itself) that the appeals will be cleared up this year.

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: The Minister has said that the review committee will decide when a common denominator regarding wheat quotas is reached. If the review committee decides that the common denominator has not been reached, will the Minister agree that the joint committee that recommended the contingency reserve be structured so that the joint committee has a majority representation of growers?

The Hon. T. M. CASEY: I do not know what the Leader of the Opposition is driving at. The contingency reserve committee comprises the Chairman of the review committee, a member of the advisory committee (I think Mr. Roocke) and a Government nominee. I do not know why the Leader wishes to change this, if that is what he wants to do.

The Hon. R. C. DeGaris: If the review committee is to continue, I should like it to be comprised mainly of growers.

The Hon. T. M. CASEY: Has the Leader any reason for that? I think the committee has worked very well until now, and I have no definite reasons for changing the existing situation.

CONSERVATION

The Hon. C. R. STORY: Has the Minister of Lands a reply to my recent question about conservation?

The Hon. A. F. KNEEBONE: My colleague states:

Applications for the position of Director of Environment, which offers a salary of $17,100 per annum, closed on July 12, 1971. I am pleased to say that a large number of applications was received but you will realize the difficulties associated with a major appointment such as this. However, it is hoped that an appointment can be made within the next three months.

VIRGINIA WATER SUPPLY

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to the question I asked on August 24 regarding the Virginia water supply and soil tests to be carried out on the use of underground water?

The Hon. T. M. CASEY: The Director of Agriculture reports that soil and crop investigations to assess the usefulness of the effluent from the Bolivar Sewage Treatment Works for irrigation in the northern Adelaide Plains will start in the near future. Applications to fill the positions created for this work closed on August 25, 1971. If suitable applicants are obtained and they are available immediately, the work should commence within four to six weeks. Meanwhile, however, a departmental officer has been engaged in the overall planning of the project in conjunction with officers from the Engineering and Water Supply Department and has been responsible for assembling the equipment necessary for the investigation. Initially, investigations will be directed to the measurement of changes in soil properties, and assessments of the effect of effluent on the soil in those areas where it has already been used for irrigation. Field plots of trees and vines will be established to measure the effect of the

effluent on their growth. Thereafter, laboratory work and more extensive soil surveys will be undertaken. The research is planned to continue for three years, but results will be released as soon as they are clearly established.

The Hon. H. K. KEMP: I seek leave to make a statement before asking a question in furtherance of the reply the Minister has just given.

Leave granted.

The Hon. H. K. KEMP: In that reply the Minister said that field plots of trees and vines would be established to determine the use of this water. The water is needed very urgently on annual crops. If crops of trees and vines are established, the vines cannot possibly come into bearing for at least three to four years, and I do not know of any tree crops which can give results under six or seven years. The urgent use for this water is on annual crops in the field crop section of agriculture, for which there is a tremendous urgency that water be released from Bolivar.

It is almost laughable that here we have a market gardening community, a field crop community, urgently in need of good water which has been proved as suitable for the use of such crops. This situation is so terribly wrong that it leaves me at a loss for words. Here is a whole district desperately in need of water to sustain the present forms of production, and the forms of production the Minister has mentioned as the most important forms of research in the inquiry he has foreshadowed do not fit in this area. They only fit in right at the top end where land subdividers are selling 10-acre blocks for, I think, the production of vines and almonds. Will the Minister reassess the position and consider the desperate need for water in this area, and will he see whether he can cut through the misapprehensions connected with the whole business?

The Hon. T. M. CASEY: I am sure that, if the honourable member reads my reply to the Hon. Mr. Dawkins on this matter, he will realize that what he is advocating will be done. The following is portion of the reply:

Initially, investigations will be directed to the measurement of changes in soil properties, and assessments of the effect of effluent on the soil in those areas where it has already been used for irrigation.

The Hon. H. K. Kemp: That has been done.

The Hon. T. M. CASEY: It will be done again. I assure the honourable member that all the matters he has referred to will be taken into consideration.

CLEVE-KIMBA ROAD

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: At this time we have no indication of the priorities for roadworks. My question arises from a report on the radio that a bridge will be built across Mambray Creek. The need for building that bridge was accentuated by a recent accident involving a pillion passenger on a motor cycle. Since I often travel on the road, I realize that there was a nasty hole in the creek, though holes such as that one do not occur often. Although I have no worries about the bridge, can the Minister say when the Cleve-Kimba road (which has several holes practically throughout the year of the size of that in Mambray Creek) which is due for sealing, will be sealed?

The Hon. A. F. KNEEBONE: I shall be pleased to refer the honourable member's question to my colleague and bring back a reply as soon as it is available.

STIRLING DEVELOPMENT

The Hon. H. K. KEMP: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. H. K. KEMP: In the press of last week it was reported that $2,250,000 worth of applications for building permits were before the Stirling District Council. As most members possibly know, there is a development plan for that district. That amount of building permits, which almost entirely refer to houses, represents an increase in population of at least 500 to 700 people, possibly more, most of whom will be in the watershed area of this State. The problem in this district relates not to fitting the people in but to the disposal of waste that will inevitably accumulate. Will the Chief Secretary ascertain whether the development plan of this State provides for unrestricted subdivision and building to be permitted in this area before sewerage facilities are installed?

The Hon. A. J. SHARD: I shall be pleased to refer the honourable member's question to the Premier and bring back a reply as soon as it is available.

GAWLER RIVER FLOODING

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: Yesterday afternoon, during the short period in which I supported the Hon. Mr. Hart's motion of urgency, I referred to information that I had received with regard to the further action at the South Para reservoir. I said I had been told that the gates on this reservoir are all closed again and that the reservoir is once more very nearly full. I would hope that this is not the case because, should it be so and should we get another heavy rain, the North Para will come down in flood, the South Para reservoir gates will be opened and we will get the same sort of chaos as we got in Virginia and in Gawler last week. Will the Minister of Agriculture ascertain from his colleague with all urgency whether in fact a certain amount of water is being released from the South Para reservoir at the moment and that the situation is not being allowed to build up into something that could be very much like the one we had last weekend?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply when it is available.

BEDFORD PARK LAND ACQUISITION

The Hon. C. M. HILL: Has the Minister of Lands a reply to the question I asked recently regarding the need for the Government to issue notices of intent to people in the Bedford Park area whose homes are to be acquired by a Government department?

The Hon. A. F. KNEEBONE: My colleague the Minister of Works has informed me that in Executive Council on Thursday, August 19, 1971, His Excellency the Governor directed that the land in question shall be acquired for the purpose of the providing of offices and other buildings and premises for carrying on the Hospitals Department of the State, pursuant to section 6 of the Lands for Public Purposes Act, 1914-1966. The matter is now in the hands of the Crown Solicitor for preparation of the necessary notices of intention to acquire.

PUBLIC PARKS

The Hon. E. K. RUSSACK: I seek leave to make a short statement prior to asking a question of the Minister of Lands representing the Minister of Local Government.

Leave granted.

The Hon. E. K. RUSSACK: The Public Parks Advisory Committee has made an inspection in the Tea Tree Gully City Council area of four areas: Golden Grove oval extension, Coul's reserve, an area known as Whiting's, and the Modbury recreation ground. The inspection was made with a view to considering the granting of a subsidy. As I understand that it would be helpful to the Tea Tree Gully council in the preparation of its budget if an answer could be arranged shortly, I ask these questions of the Minister: when can a report or recommendation be expected and, if a subsidy is granted, what will be the amount of such subsidy?

The Hon. A. F. KNEEBONE: I shall be pleased to take the honourable member's queries to my colleague and bring back a reply when it is available.

ATHELSTONE HEIGHTS SEWERAGE

The Hon. C. M. HILL: On August 25 I asked the Minister of Agriculture, representing the Minister of Works, a question concerning the Athelstone Heights sewerage project and particularly whether a group of six houses in that area could be sewered at this stage. Has he a reply?

The Hon. T. M. CASEY: My colleague, the Minister of Works, has advised me that the houses referred to in Kirkvue Road and Lymn Avenue were not included in the approved scheme. A separate pumping station would be required to serve the six houses concerned, and a relatively long length of sewer would be required, as in the area concerned only six out of the 13 blocks are built on. The normal requirement of the Engineering and Water Supply Department is that 70 per cent of the allotments that are available should have houses on them. The cost of a pumping station and rising main for such a small area could only be justified if most of the blocks were built on, and further consideration can be given when further development takes place.

MATRICULATION CLASSES

The Hon. C. M. HILL: Has the Minister of Agriculture received from the Minister of Education a reply to the question I asked on August 26 regarding how many Matriculation classes the Minister has addressed in both public and private schools in South Australia in the last 12 months?

The Hon. T. M. CASEY: The Minister of Education has in the last 12 months addressed two Matriculation classes in public schools and

one at a private school. He has also spoken briefly to many Matriculation groups at country and metropolitan high schools when visiting schools. When I asked the Minister this morning whether he had copies of the speeches he made, he said that he did not, having spoken off the cuff. I am, therefore, unable to give the honourable member copies of the Minister's addresses.

ELECTORAL ACT AMENDMENT BILL

Read a third time and passed.

BUILDING REGULATIONS

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

(For wording of motion, see page 860.)

(Continued from August 25. Page 1060.)

The Hon. H. K. KEMP (Southern): In considering this motion, honourable members should cast their minds back four years to the time when this matter first came before this Council and many of us were prepared to oppose the measure because we could see what was coming forward. At that time the people who are now asking for the regulations to be disallowed were most insistent that nothing should be done to oppose the legislation.

My feeling is that these regulations should not be opposed. These people asked us sincerely and insistently not to do anything to upset this legislation, but now that regulations have been introduced to enable the Act to operate they are asking us to pull the chestnuts out of the fire for them because there are some things that do not fit in very well. I do not think this is fair on their part. I say this sincerely.

These people have had the regulations before them, and they have gone back to the Government, renegotiated, and the Government has finally come forward with what it thinks is a fair compromise. However, the people who do not like these regulations are now saying to us, "They are not just what we want. We want something else, so please disallow them." I do not think this is ethical, or right, and as I first approached this subject I considered that at least the people who wanted registration of builders should give it a try.

In the past few days, however, one or two episodes that have been brought to our notice have led me to think that perhaps there is need for second thoughts, because obviously at present there are some people in Adelaide who are up against a very difficult question through the administration of the regulations. As far as I can assess the situation, this appears to be arising from the newness (or perhaps the complete incompetence) of an inspector who has condemned buildings without knowledge of the materials which have been used. But this is beside the point.

The Hon. G. J. Gilfillan: Could it be a misuse of powers?

The Hon. H. K. KEMP: This is one of the difficulties nearly all regulation making must go through. Not only must there be found a commonsense basis upon which it can be administered, but it is necessary to find people with the background and the overall knowledge to be able to do the job. We know of a house at Morphett Vale that has been condemned because the footings were incomplete and bad cracks developed.

In two instances brought urgently to our attention, brickwork was apparently not up to standard, in the opinion of the inspector who examined the work. Although we have the assurance that the brickwork is constructed from the highest quality bricks, apparently because the bricks have a superficial crazing that does not look nice the work has been condemned. This crazing must inevitably occur when bricks are heated to the extent necessary to give them their high quality. I shall not go into detail on what was wrong in each of these cases, but there does seem to be reason for me to have second thoughts on this matter.

The administration of the regulations, as they stand at present, will probably involve much expense for many builders and many purchasers of buildings. This legislation was requested by the building trade and, when that trade was asked to reconsider whether it really wanted the legislation, it said, "Yes, we do want it; for goodness sake do not interfere with it in any way." After long negotiation, the regulations have been promulgated and applied, and now the building trade says, "We do not want this. We would like something else, despite what we negotiated with the Government. Please pull our chestnuts out of the fire."

What is the practical thing to do? There is no doubt that today most people involved in the building trade want these regulations, and want them without any alteration. However, I very much doubt whether they will want them after they have experienced the administration of them, of which there has already been a very slight foretaste. I shall not decide

which way I shall vote until further evidence is produced. At present I have a very open mind on the matter.

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

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

Second reading.

The Hon. C. M. HILL (Central No. 2): I move:

That this Bill be now read a second time.

The overall tragedy of road accidents in South Australia can be assessed by statistics supplied by the Road Traffic Board. In 1969, 27,503 traffic accidents were reported, involving 9,961 injured persons and 251 deaths. In 1970 there were 30,464 accidents, involving 10,484 injured persons and 349 deaths.

Dealing only with the class of vehicle affected by this Bill (passenger cars and passenger car derivatives—and by that I mean station waggons, panel vans and utilities), in 1969 there were 22,900 traffic accidents reported, involving 7,994 injured persons and 168 deaths. In 1970 there were 25,846 accidents, involving 8,421 injured persons and 248 deaths.

The human pain and suffering and the untold losses to individuals and to the State which flow in the wake of such tragedy can to a significant degree be avoided by the compulsory use of seat belts. I emphasize this point by reference to further Road Traffic Board statistics.

In 1969 in passenger cars and passenger car derivatives 83 drivers were killed, of whom 63 were not wearing seat belts, eight were wearing seat belts, and in 12 instances it was impossible to ascertain whether seat belts were worn or not. In 1970 there were 118 drivers killed, of whom 87 were not wearing seat belts, five were, and 26 were uncertain cases. In 1969 there were 27 front seat passengers killed, of whom 22 were not wearing seat belts, two were, and three were uncertain cases. In 1970 there were 59 deaths of front seat passengers, of whom 46 were not wearing seat belts, four were and nine were uncertain cases.

The point can be further stressed by the fact that, in 1969, 1,380 front seat passengers were injured who were not wearing seat belts, 126 were injured who were wearing seat belts, and in 254 cases it was impossible to ascertain whether seat belts were worn or not. The comparable figures for 1970 were as follows: 1,146 front seat passengers were injured who were not wearing seat belts, 140 were injured who were wearing seat belts, and in 310 cases it was impossible to ascertain whether seat belts were worn or not.

By referring back to the statistics concerning drivers and bearing in mind that only 28 per cent of drivers wear seat belts voluntarily, we can judge for ourselves the saving in life and injuries that would have been made in this State in 1969 and 1970 if the wearing of seat belts had been compulsory. Of special interest to country members will be the 1969 statistics showing that the metropolitan area contributed 75 per cent of total accidents but only 52 per cent of the fatalities. The country areas contributed 25 per cent of the total accidents but 48 per cent of the fatalities.

The Bill requires that compulsory wearing of seat belts shall apply only in those vehicles that are currently required to have them fitted. The seat belts must comply with Australian design standards. The regulations, gazetted on January 15, 1970, provide:

(3) Seat belts and anchorages shall be fitted for all seating positions in all passenger cars and passenger car derivatives in accordance with the following rules:

(*a*) Front seats—for all passenger cars and passenger car derivatives manufactured on and after the first day of January, 1970.

(*b*) Rear seats—for all passenger cars and passenger car derivatives manufactured on and after the first day of January, 1971.

From 1967 it was compulsory to have seat belts fitted in the driver's position in all vehicles first registered after that time. Legislation has been introduced elsewhere on this matter. Victoria introduced the compulsory wearing of seat belts early this year. As reported in the *News* of July 22, the chief of the Traffic Branch in the Victorian Police Force, Superintendent H. C. Hookey, said:

It has served well in reducing the road toll over the past seven months.

The Victorian Police Surgeon, Dr. John Birrell, was reported in the *Advertiser* of July 30 this year as saying that in the six months since the introduction of compulsory seat belt legislation in Victoria there had been a reduction of 12.3 per cent in the number of those killed and a 12.2 per cent reduction in the number of persons injured. Dr. Birrell was reported as saying:

The boys at Austin Hospital, where those with spinal injuries are taken, are jumping up and down with excitement. There has been a reduction of 36 per cent since the belts came in.

A recent press article stated that 90 per cent of drivers killed in Victoria since June 1 were not wearing seat belts and that, of those, more than half died after being thrown out of their vehicles. The director of the survey which revealed those statistics (surgeon Mr. Peter Nelson) said:

> These two factors are overwhelming evidence supporting the Government's legislation making the wearing of seat belts compulsory. They also destroy completely the fallacy believed by many people that it is better to remain "free" in a car so that one can jump clear and be safe.

Dr. Nelson said that the survey showed that 80 per cent of non-fatal head injuries and 60 per cent of chest injuries were suffered by people not wearing seat belts.

So successful was the measure in Victoria that as from July 1 this year the State Government took a further step to enforce a law that secondhand cars had to be fitted with seat belts before registration could be transferred to a new owner. Exemption was made for cars registered before January 1, 1951, because of technical difficulties in fitting effective belts. The legislation applies in New South Wales as from today. I believe. On June 11, 1971, the Minister for Transport in New South Wales (Hon. Milton Morris) said:

> No measure offered a greater promise of saving lives—research studies from Britain, Sweden, the United States and Australia indicated that seat belts reduce the chance of death or serious injury by 60 per cent to 70 per cent.

In the report on road safety completed about 12 months ago by Mr. Pak Poy's committee, it is stated that in the United States of America studies indicate a reduction of 30 per cent in serious injuries or fatalities occurring to seat belt wearers in the period when lap belts were most commonly used. In Great Britain, where the lap-sash belt is more commonly used, similar studies report a 50 per cent reduction in injuries of all degrees of severity for seat belt wearers.

I will now refer to South Australian reaction to the proposal to make the wearing of seat belts compulsory here. In the *Advertiser* of July 27, the Eye Registrar at the Royal Adelaide Hospital (Dr. Paul Munchenberg) said that he saw at least one patient a week who would have escaped injury had he or she been wearing a seat belt.

In the press on July 30, the General Manager of the Royal Automobile Association said that the R.A.A. council had decided some weeks before to withdraw its opposition to compulsory seat belt use. He said the decision was conditional on adequate exemptions and safeguards being provided.

Other informed South Australian opinion was expressed in the same article by, first, the President of the South Australian Council for Civil Liberties (Dr. J. V. Jones), who said that while the decision would result in an infringement of civil liberties the effects on other people were such that his council would not object to it. Secondly, the President of the Australian Medical Association's South Australian Branch (Dr. Robert Hecker) said he was delighted with the decision. Thirdly, the Professor of Pathology at the University of Adelaide, Professor J. S. Robertson (who, incidentally, was a member of the Pak Poy committee) said there was ample evidence that the seat belt was one of the most effective counter measures to the road toll.

On July 27 in the press four fourth-year medical students, answering a critic of compulsory seat belt use, suggested that the critic spend a few Saturday nights at the casualty department of the Royal Adelaide Hospital, which "should rapidly change his views on seat belts". They concluded:

> The number of people who severely lacerate their faces as a result of failure to wear seat belts is substantial, not to mention the number who would still be alive today if they had taken the trouble to wear belts.

Against this overwhelming tide supporting the measure there has been (and there always will be) strong objection from some people within the community. Objections to the compulsory wearing of seat belts are based, generally speaking, upon the arguments as to preserving the traditional liberties of individuals, the inconvenience of fitting and wearing belts or the belief (which, I may say, is largely unfounded) that belts can cause a death in rare instances.

However, there are occasions in modern society when some restraint and even compulsion is necessary to secure the greatest good for the greatest number. For example, organized marketing of primary produce sometimes restricts an individual's production but is accepted by that individual as a necessary measure. Another example is the compulsory X-ray within South Australia for the detection of tuberculosis.

Those honourable members who are lovers of freedom (and I count myself among their number) know that to enjoy real freedoms some restraints are necessary. Many believe that society is entitled to protect individuals

from their own foolishness. I do not object to this philosophy, although I always stress when it is discussed that great care and extreme caution must be exercised when the principle is applied in framing laws that will affect everyone.

Certainly, it is superficial for the individual to assert that his own death or incapacity because of accident affects only himself. Therefore, if we approach this debate from the point of view of the individual (and that is an approach that I always favour), I believe that in this question some compulsion is not unreasonable. I say "some compulsion" because only certain vehicles are involved in this Bill and only certain persons, who are not exempted, are involved.

To sum up the benefit of the proposal, I wish to quote briefly from the Pak Poy report which, as I mentioned earlier, was issued about 12 months ago. This states:

With present accident rates, the potential benefit of a 100 per cent usage of seat belts in South Australia would be a reduction of about 60 fatalities and 1,600 injuries annually to drivers and front seat passengers.

Clause 1 of the Bill is formal. Clause 2 defines "seat belt". Clause 3 enacts a new section 162AB in the principal Act. This clause makes the measure effective from a date to be proclaimed. It will be an offence for a person to be seated in a motor vehicle which is moving forward if that person is not wearing a seat belt provided for in pursuance of the provisions of the Act. The seat belt must be properly adjusted and securely fastened.

Subclause (2) lists the classes or groups of persons who shall be excluded by regulations from the need to wear seat belts. The regulations shall so exclude groups, or classes, of persons—persons who may carry a legally qualified medical practitioner's certificate owing to physical inability or some other medical reason, or a valid certificate from the Road Traffic Board. Subclause (3) indicates that such certificates shall be for a specified period, or else a period of 90 days.

Exempted people could be children, door-to-door delivery drivers, and a great variety of medical cases. The Council will have the proper opportunity to peruse and either approve or reject the Government's regulations, in due course, if the Bill passes. I hope that the Government, if and when framing such regulations, will take into account the comments of honourable members who will no doubt speak on the subject of exemptions.

I submit that this measure is highly desirable, if not absolutely necessary, in our modern motorized world. It is for the benefit and good of the vast majority of citizens of this State. The question is not one for Party politics: it is one which demands a statesman-like approach. I admit and acknowledge that the compulsory wearing of seat belts is objected to most strongly by some sincere people. Honourable members will take such views into account.

However, the weight of informed opinion and other evidence to which I have referred must be given full consideration by those whose clear duty it is to approach this question without fixed views, and to weigh up the points for and against the Bill. I know that honourable members will apply deep thought and broad minds to the measure.

We live in an enlightened and, generally speaking, well-educated society in which the acceptance of change and the desire to be progressive are both challenging and irrepressible. I commend the Bill to honourable members and hope that this Council's ultimate decision will mirror and reflect this willingness for change among the people, embodying as it does respect for informed opinion and acceptance of leadership from a progressive Legislature.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

PAY-ROLL TAX BILL

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments Nos. 2, 3 and 10, but had disagreed to suggested amendments Nos. 1, and 4 to 9.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the Council do not insist on its amendments to which the House of Assembly has disagreed.

I cannot say more than I said last night when I put the Government's point of view on this matter. I will not elaborate on or repeat what I said then, the full report of which is contained in *Hansard.* As I think honourable members would realize, the Government has sincerely put forward its objections to the suggested amendments. I do not think there would be any use in my saying anything more. These suggested amendments are not acceptable to the Government and I ask the Committee not to insist on them.

The Hon. R. C. DeGARIS (Leader of the Opposition): I think the arguments were fully canvassed during the debate in this Chamber. I see no reason why the Committee should change its mind on this matter. The board of review procedure has operated efficiently at Commonwealth level. At present, there are grounds in the Bill as it came to us for an objector to appeal to the Commissioner. From there, he has the right to appeal to the Treasurer. This procedure has all the appearance of being an appeal from Caesar to Caesar. The Commonwealth has always, over the last 30 years, used a tribunal as a board of review for the objector. Where he is not satisfied with the Commissioner's decision, he appeals to the board of review. I am at a loss to understand why the Government is adopting its present attitude. The argument has been put forward that using a board of review can be more costly than not using it. On the other hand, all experience at Commonwealth level has been that a board of review has reduced costs, because it provides the means of having an objection heard before it instead of the objection going straight to the court. I am not convinced by the arguments submitted that we should not insist on our suggested amendments.

The Hon. Sir ARTHUR RYM1LL: I, too, have very little to add to what I said last night. I agree with the Hon. Mr. DeGaris in his attitude to this matter, particularly as the tax involved is of such a magnitude. I think the point was made last night that this State, in common with others, would lose certain grants; but it will still achieve not only a growth tax but also, on my understanding, considerably more revenue immediately. Can the Chief Secretary tell us how much, net, this tax will bring in after grants are deducted from it? I think the Government's case for no tribunal rather falls on the magnitude of the money involved. Gift duty was mentioned last night, and the Chief Secretary kindly got the figures for that. As I hazarded to say, they were fractional compared with the figures for this tax, even more fractional than most people had anticipated.

The Commonwealth already has a tribunal of this sort for pay-roll tax appeals. A few years ago when the previous Labor Government was in power, I introduced a private member's Bill to provide for a reduction in costs to the ordinary citizen who found himself in the position of having to fight the Government in the courts. The content of the Bill was that, unless a case was found to be frivolous, or something of that nature, a person should not be ordered to pay the Government's costs; he would still have to pay his own.

This Bill seems to fall into the same sort of category because, if somebody has to appeal to a court, mighty costs are involved, and those of the other side as well. As I mentioned last night, we have the criterion of the income tax board of review to follow, and most people know more about that than about the pay-roll tax board of review. We know that it is an infinitely cheaper method of procedure for the ordinary citizen. He gets involved in his own costs but not in the tremendous costs of the other side, too.

I may add that, after I introduced the Bill to which I have just referred, I was given an undertaking in this Chamber that the Government was considering a Bill that was more embracing than mine and that my private member's Bill, which I did not proceed with after such an undertaking, would be taken fully into account when that more comprehensive Bill was being formulated. That was the last I heard of it. I will pursue the matter again in due course, if I have to, but I hope I do not have to. I hope the Government will go ahead with what it said it would do on that occasion.

However, I make this point because the consideration of the measure before us falls into almost precisely the same category. Here is a tax that immediately will cost South Australians about $38,000,000 a year, on my estimation, which is about $10,000,000 in addition to what we are paying to the Commonwealth now. Surely the burden should be minimized. Apparently, the point is being made that this tribunal will cost money. So does the Supreme Court. If we had many appeals and had to appoint another judge to the Supreme Court, that would cost money, too.

If this was a trifling matter, I should look at it in a practical manner, leave it at that and say, "Maybe the amount involved is so small that the Government should not have to appoint a special tribunal for the rare cases that may arise." In this instance, cases may be rare. I do not know very much about this particular jurisdiction but, if that is so, the tribunal would be that much less costly to handle. But, with a tax of this magnitude, it is proper that we ask for a specialized tribunal that will not involve the ordinary company or citizen in heavy extra charges, so I think we are justified in asking for a tribunal to be appointed.

The Committee divided on the motion:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Noes (13)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 9 for the Noes.

Motion thus negatived.

The Hon. A. J. SHARD (Chief Secretary) moved:

That a message be sent to the House of Assembly requesting that a conference be granted to the Council respecting certain suggested amendments to the Bill, and that the House of Assembly be informed that in the event of a conference being agreed to the Council will be represented at such conference by five managers, and that the Hons. T. M. Casey, R. C. DeGaris, L. R. Hart, A. F. Kneebone, and Sir Arthur Rymill be managers on behalf of the Legislative Council.

Motion carried.

[*Sitting suspended from* 3.22 *to* 4.3 *p.m.*]

The Hon. A. J. SHARD (Chief Secretary): Sir, there is always a first time, and I hope I am correct procedurally in what I am about to do. I want to report to you and to the Council in connection with this Bill that, during the adjournment, the Government has met and discussed the matter of the proposed conference and the decision of the Council to insist on its suggested amendments. Because there would have to be a "yes" or "no" decision at a conference there would be no room for compromise. The Government has decided not to continue opposing the amendments to which the House of Assembly has disagreed. We want to get the Bill through today, and I understand the House of Assembly is unable to deal with the request for a conference before 6 p.m., which would mean an evening sitting for both Houses. No-one likes sitting in the evenings, least of all myself, and I could not be present if the Council sat tonight, anyway. The Government has decided that I will move directly that the Council do now adjourn, and you, Sir, will receive a message from another place tomorrow informing this Council that it has rescinded its disagreement to the suggested amendments to the Bill and therefore accepts the Council's amendments.

I hope that procedure is correct. I do not know whether I need to report any further or to make any further suggestions, or whether I should simply move that the Council do now adjourn. I will be guided by you, Sir.

The PRESIDENT: The Chief Secretary may now move that the Council do now adjourn.

The Hon. A. J. SHARD moved:

That the Council do now adjourn.

Motion carried.

ADJOURNMENT

At 4.6 p.m. the Council adjourned until Thursday. September 2, at 2.15 p.m.