LEGISLATIVE COUNCIL

Thursday, March 23, 1972

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

ASSENT TO BILLS

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

Administration and Probate Act Amendment,
Criminal Injuries Compensation Act Amendment,
Justices Act Amendment,
Places of Public Entertainment Act Amendment,
Statutes Amendment (Executor Companies),
Wills Act Amendment.

QUESTIONS

CO-OPERATIVES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: The Companies Act Amendment Bill has passed this Council and some co-operatives in South Australia will be affected by it. These co-operatives have been operating for very many years. Will the Chief Secretary raise with Cabinet the matter of not proclaiming this Bill for three or four months to allow these co-operatives to adjust to the new situation under the amended Act?

The Hon. A. J. SHARD: I will be happy to take up the matter with Cabinet to see what can be done.

SHOW SOCIETIES

The Hon. R. A. GEDDES: I direct a question to the Minister of Agriculture, representing the Minister of Works, and I ask leave to make a short statement prior to asking the question.

Leave granted.

The Hon. R. A. GEDDES: At a recent meeting of the Northern Agricultural Shows Association, which represents show societies from Gawler and Eudunda in the south to Quoin and Orroroo in the north, 12 representatives of these show societies met. The suggestion was put forward that the Government be asked to give consideration to a reduction in the cost of watering ovals maintained by these societies. There appears to be a precedent for assistance in the supply of water for watering ovals in the case of the Education Department for schoolchildren, and also from the tourist point of view it is an important point to have ovals in better condition, which would assist the tourist industry. Will the Minister give favourable consideration to a reduction in the cost of water to show societies which maintain their own ovals?

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.

ROSEWORTHY COLLEGE

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: My question refers to Roseworthy Agricultural College, which I am sure the Minister and other members would agree is of a very high standard today. It has been recognized as a college of advanced education, and as a result of this there has been a reclassification of staff, as a consequence of which some of the staff members have moved on. This, let me hasten to add, is no reflection upon them or upon the college; it is a matter of the change in status of the institution. As a result of the movement of staff, some vacancies were caused. I understand a goodly proportion of these vacancies has been filled satisfactorily. Is the Minister able to inform the Council what vacancies remain and what are the prospects of filling them at an early date?

The Hon. T. M. CASEY: I cannot give the honourable member this information off the cuff. I know, as he said, that there has been some replenishment of staff, but I will endeavour to find out the true situation at this time and bring back the information as soon as possible.

ABATTOIRS

The Hon. R. A. GEDDES: On March 22, I asked whether the Minister of Agriculture could supply me with details of the $200,000 provided to the Metropolitan and Export Abattoirs Board. Has he a reply to that question?

The Hon. T. M. CASEY: The money to which the honourable member referred will be made available to the Metropolitan and Export Abattoirs Board by way of a loan. I have already notified the board of the decision in Cabinet and asked it to confer with the Treasury to work out the necessary arrangements.

TUBERCULOSIS TESTING

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

Leave granted.

The Hon. R. C. DeGARIS: It has been brought to my notice by cattle men in the South-East that the tuberculosis testing scheme is not being organized to the best advantage. As the Minister will know, a charge is made for each animal in connection with tuberculosis testing, and the payment is made to the veterinary officer doing the testing. As there has been a very significant increase in the number of cattle in the South-East, particularly in beef herds, the cattle men and the veterinary officers concerned believe that the scheme could be altered with advantage. I am suggesting an alteration in relation to the large beef herds in the South-East, not in relation to herds in the Adelaide Hills. If a change was made, the available money could be spread over a much wider field in connection with eradicating disease. Will the Minister investigate the matter to see whether the money spent can be spread over a wider field, and will he investigate a new system that cattle men and veterinary officers favour?

The Hon. T. M. CASEY: I shall be only too pleased to ask Dr. Smith, the veterinary officer, to see whether something can be done along the lines suggested by the Leader. I hope the Leader will make available to me the suggestion that was made to him.

The Hon. R. C. DeGaris: I shall be happy to comply with that request.

SOUTH AUSTRALIAN FILM CORPORATION BILL

Received from the House of Assembly and read a first time.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

Its object is to establish a body to be known as the South Australian Film Corporation whose main areas of activity will be the undertaking of film production and the provision of a film library service. As honourable members are aware, the Government has long been desirous of developing such a body and has put considerable time and effort into the investigation of the effectiveness and economic possibility of carrying out such a project. During 1971 a very comprehensive feasibility study was conducted on behalf of the Government, and this Bill is largely based on the recommendations contained in the report resulting from that study.

The need for a centralized film centre is very clear—to rejuvenate the sluggish pulse of the local film industry, to remedy weaknesses in the production and distribution of Government-sponsored films, and to create an awareness in the community of the value of films. The local industry is very small, and the few films that are produced are generally of a fairly low standard—not necessarily due to lack of talent but because of inefficient production, poor equipment, and a paucity of experienced craftsmen with specialist skills. In the commercial sector, film-making activities are virtually limited to the production of television commercials; in the public sector, only about three or four films are made for Government departments or instrumentalities each year. It has been revealed that the current need for films in the Government sector greatly exceeds the number actually produced, and the Government believes that the film corporation will crystallize need into demand and thus fill the gap between film requirements and film production.

South Australia is suffering from promotional under-exposure in the film medium, in that only about two tourist films are made each year and only one film has so far been made for industrial promotion. If good films can be produced here, there are vast markets into which they could easily be introduced. Free national theatre distribution can be obtained for quality 35 mm documentaries. The enormous television audiences have not yet been reached. Colour 16 mm films of good aesthetic quality should find their way into national and international markets. Within Australia there are established distributors in other States with access to oversea documentary libraries. Ultimately, if local films are good enough to win festival prizes, the international festival and film society circuit becomes available. Combined with the cinema and television outlets, this form of distribution can have a powerful influence on South Australia's image. Unless some positive action is taken to reorganize and channel our current resources, the Government believes that none of these enviable goals will be attained. By assuming a dominant role in film sponsorship, the Government, through the corporation, will directly stimulate the growth and mould the shape of a local film industry.

It is not intended that the corporation will enter into the role of film-maker. Film work will be contracted out to appropriate film-makers in this and the other States, thus

ensuring that the best and most imaginative talent is drawn upon for each production. The corporation will undertake the supervisory function of production and, just as importantly, will be an effective distributor. The Government further believes that a centralized film library, incorporating the present documentary film library and all departmental and State instrumentality libraries, would offer all interested bodies, whether Government or otherwise, an efficient and comprehensive professional service. Savings in staff, premises and equipment would naturally follow, and overall costs would be considerably reduced. Books, periodicals and film publications will also be collected and housed by the corporation library, which will thus constitute a very effective film information bureau. The corporation will perform other related functions to which I shall refer when the clauses of the Bill are explained in detail.

The Bill further provides for the setting up of a Film Advisory Board, which will be completely independent of the corporation. One member will be nominated by the Minister of Education, some members will be selected from the various bodies involved with the film industry, such as the Australian Broadcasting Commission and the commercial television stations, and others will represent broad areas of interest, such as universities and industry and commerce. The function of the board will be to advise both the corporation and the Minister on all matters pertaining to the film industry. I will now deal with the clauses of the Bill.

Clause 1 is formal. Clause 2 fixes the commencement of the Act on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the Act. Clause 4 contains various definitions. In Part II, clause 5 establishes the corporation and gives it the usual powers that attach to a corporate body. The corporation will consist of three members, one of whom will be the Director. The Director will be the Chairman of the corporation. One member will be nominated by the Minister of Education. The members will be appointed for a fixed term, but will be eligible for reappointment at the end of that term. A member is not subject to the Public Service Act.

Clause 6 provides for the Chairman of the corporation and gives him a deliberative as well as a casting vote. Clause 7 provides that acts and proceedings of the corporation are valid despite any vacancy in office or defect in appointment of a member. Clause 8 places the corporation under and subject to the control of the Minister. Clause 9 gives the corporation power to appoint officers and servants, who shall not be subject to the Public Service Act. The corporation may, with all the necessary Ministerial consents, make use of the services of any Government department.

Clause 10 sets out the general functions of the corporation, which include not only the production of films and the provision of library, instructional and information services but also the carrying out of research into both the effectiveness of film communication and the distribution of films—aspects that are absolutely vital to the continued growth and value of the film industry. Clause 11 sets out the powers of the corporation, all of which are designed to enable the corporation to carry out all the functions to which reference has already been made. Clause 12 gives the corporation power to delegate any of its powers, subject to approval by the Minister, to the Chairman or any officer of the corporation. Clause 13 sets out the borrowing powers of the corporation. The corporation may borrow from the Treasurer, or from any other person with the consent of the Treasurer.

In Part III, clause 14 provides for the appointment of the Director, who shall hold office for a term fixed by the Governor. Clause 15 provides for the filling of a casual vacancy in the office of Director. Clause 16 allows for the appointment of a Deputy Director during the absence of the Director. Clause 17 provides that the Director shall be the principal executive officer of the corporation and, as such, shall not be subject to the Public Service Act.

In Part IV, clause 18 establishes a board to be known as the South Australian Film Advisory Board. The board will consist of seven members appointed by the Minister for fixed terms but eligible for reappointment. One member will be nominated by the Minister of Education. The interests represented by the other members will be the Australian Broadcasting Commission, the commercial television stations, universities, industry and commerce, the arts and the Public Service. Members as such are not subject to the Public Service Act. Clause 19 makes provision for the chairman of the advisory board and proceedings at meetings. Clause 20 provides that acts and proceedings of the advisory board are valid despite any vacancy in office or defect in appointment of a member. Clause 21 sets out the functions of the advisory board, which are to inquire into and report on any matter relating to films which the corporation or the Minister may refer to it or which it thinks fit.

In Part V, Clause 22 provides for the appropriation of moneys by Parliament where the funds of the corporation are insufficient for its purposes. Clause 23 authorizes the Treasurer to provide from appropriated moneys such moneys for the corporation as he thinks fit. The corporation funds shall consist of moneys provided by the Treasurer, moneys derived from the sale or lease of films, borrowed moneys and all moneys received by or paid to the corporation. The funds may be used for various purposes, with the approval of the Minister. Clause 24 provides that the corporation must each year present a budget to the Minister, estimating its expected revenue and expenditure for the next succeeding financial year. The corporation must adhere to the expenditure set out in that budget unless the Minister consents to any departure therefrom.

In Part VI, Clause 25 provides that a person who becomes an employee of the corporation will not lose any rights he may have with respect to long service leave, sick leave and recreation leave relating to his previous employment, if that previous employment is with the State or Commonwealth Government or any other employer approved by the Minister. Clause 26 enables the director and officers and servants of the corporation to become contributors to the superannuation fund, subject to acceptance by the Superannuation Fund Board. Clause 27, gives power to the Governor to vest in the corporation any films, etc., that are owned by any Government department, instrumentality or agency. That department will be given immediate access, as far as practicable, to any film of which it has been divested. Clause 28 deals with conflicting applications to borrow any film, etc., from the corporation library. Preference will be given to any department that has been divested of the requested film.

Clause 29 deals with the closing of roads and redirecting of traffic during the making of a film. The Commissioner of Police may make such orders if the corporation applies and the local council approves. The Minister may direct the Commissioner of Police to make such orders if the corporation or any film-maker applies to the Minister and the Minister consults the local council. Thus, all film-makers may seek the benefit of this provision. Clause 30 provides that the corporation must furnish the Minister with an annual report on the work of the corporation during the financial year preceding the report. Such reports will be tabled in Parliament. Clause 31 provides for the keeping of proper books of account by the corporation and for an annual audit by the Auditor-General. Clause 32 provides for dealing with offences summarily. Clause 33 provides the Governor with power to make all the necessary regulations.

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

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Received from the House of Assembly and read a first time.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

It increases the salaries payable to the Honourable the Chief Justice, Their Honours the Judges of the Supreme Court, the President and Deputy President of the Industrial Court, the Senior Judge and judges of the Local and District Criminal Court and the Chairman and Deputy Chairman of the Licensing Court. The salaries payable to the occupants of these offices were last adjusted by the Statutes Amendment (Public Salaries) Act, 1970, and the Supreme Court Act Amendment Act (No. 2), 1970.

Since that adjustment, the Government has had regard to movements in salaries of persons holding comparable judicial offices in the other States of the Commonwealth. In New South Wales and Victoria there have been recent increases in judicial salaries of the order of 20 per cent to 25 per cent. Other States will shortly follow suit. The Government has reviewed judicial salaries in the light of these movements. In all the circumstances, the Government has come to the view that an increase of the order proposed in this Bill is proper.

To consider the Bill in some detail, Part I is formal. Part II at clause 4 increases the salary of the Honourable the Chief Justice from $23,000 to $28,200 and the salary of Their Honours the Judges of the Supreme Court from $21,000 to $25,750. Part III at clause 6 increases the salary of the President of the Industrial Court of South Australia from $18,000 to $22,000 and that of each Deputy President from $16,500 to $20,200. Part IV at clause 8 increases the salary of the Senior Judge under the Local and District Criminal Courts Act from $18,000 to $22,000 and that of the judges under that Act from $16,500 to $20,200. Part V at clause 10 increases the salary of the Chairman of the Licensing Court from $16,500 to $20,200 and that of the

Deputy Chairman of the court from $15,000 to $18,400.

The Hon. F. J. POTTER secured the adjournment of the debate.

PUBLIC ASSEMBLIES BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

Its purpose is to implement the recommendations made by the Royal Commission reporting on the September 18, 1970, moratorium demonstration relating to the orderly conduct of demonstrations. The Bill provides a system whereby the authorities are notified in advance of a proposed demonstration so that they can take steps to afford proper protection to all persons taking part in or affected by the proposed assembly, or, if the proposal is not considered to be in the public interest, to object to the proposal. This Bill emerges from a re-examination of the age-old dilemma of holding a balance between public order and the right of assembly. The Government believes that we must hold fast to the right of minorities, to bring their views to the attention of the public by means of assembly and demonstrations. This is an essential part of the democratic process. This proposition is sometimes denied on the grounds that there are avenues through the press and the political Parties for dissenters to express their views. I think that this is quite unrealistic.

Minority groups are unlikely to have influence with the press, or the means of obtaining publicity through the mass media. Their nature as prophetic shock minorities tends to make them contemptuous of the established political Parties and political institutions. They seek to exercise the right to get to the public direct by means of public demonstration of their beliefs. In a free and democratic society, they are entitled to the maximum degree of freedom to achieve this which is consistent with the safety, peace and convenience of the citizens. Nevertheless the safety, peace and convenience of the citizens depends on the maintenance of public order. The expression of dissent can never be allowed to interfere with the rights of others to an unreasonable degree. The right to use the streets to demonstrate dissent must therefore clearly be restricted in the interests of the public generally. What is needed, in my view, is a set of clearly-defined rules which will clarify the extent of the right of citizens to assembly in the streets for the purpose of demonstrating their opinions. Such a set of rules must reflect under modern conditions the historic balance between the right of free assembly and the maintenance of public order. The report of the Royal Commission into the September, 1970, moratorium demonstration put the principle involved (at page 34 of the report) as follows:

It was suggested to me that I should recommend the enactment of a specific right of association. I think that there is no more and no less reason to give statutory force to this right than to certain other fundamental rights and that it should not be dealt with in isolation. Nevertheless, throughout this report I have been conscious of the need in a free democratic society to encourage the freedom of assembly and discussion. In my view this should be done within the widest limits consistent with safety and the reasonable maintenance of other public and private rights. In my respectful view the Parliament should always be conscious of this need.

The Commissioner's recommendations on this point are set out at page 83 of the report, as follows:

There are two main systems, if one concludes, as I do in chapters 7 and 8, that advance information ought to be made available to the authorities. The first is the permit system. This has worked well in the cases of non-political marches and parades. There is not the slightest evidence of unfair discrimination by the municipal authorities. Undoubtedly, however, there is a strong antipathy to applying for a permit to demonstrate. Such an application is widely regarded as tantamount to a denial of the existence of a right to march along the streets. Moreover, the present permit system suffers under the disadvantage that the police dislike taking action for breach of a by-law, and will usually do so only upon specific request. Finally, a permit is a pretty worthless document. It does not excuse the holder if he commits any of the street offences provided by law. The only legal exoneration that the permit grants is relief from prosecution for marching without a permit. Of course, the fact that a permit is or is not in existence is one of the relevant matters for the police to take into account, but that is a different aspect.

It would be a mistake to regard all political type demonstrations as falling within one category. On the contrary, they may be expected in the future to be composed of disparate groups of citizens who feel concerned about different matters. There has been a tendency, which is perhaps exemplified by the use in some evidence and some submissions of the phrase "these people", to lump all demonstrators together as being the same people, or drawn from the same people, on all occasions. Persons administering any system of permits or notifications must not fall into this error. The chief purpose of advance warning is to enable the authorities to afford proper protection to all persons taking part in or affected by the proposed demonstration. I

recommend a system of advance notification to achieve this end.

I am clearly of opinion that at least both the City Council, in which the streets are vested, and the Police Force, which has the responsibility for controlling traffic and maintaining order, have a right to be consulted and to raise objections on proper ground to all or any of the proposals contained in the advance warning. The honourable the Chief Secretary may also properly deserve to be heard. Because I do not wish consideration of a formula to obscure consideration of an aim I expressly refrain from suggesting a precise formula. Some features of a system of notification would be—

(1) The length of notice must be related to the degree of spontaneity of the march. In some cases a telephone call would be all that time would permit. In such a case the notice should be direct to the police.

(2) In the case of a large well-organized well-planned march notice ought to be in writing giving all necessary particulars. To save argument as to addressee it may be directed to the Town Clerk, the Commissioner of Police, or the Chief Secretary. If no official objection is voiced to the proposal contained in the notice the marchers are not to be regarded as being in breach of traffic laws so long as they peaceably act in accordance therewith. If there is an official objection to the march as a whole, or as to time, route or any other specified feature, the objection should forthwith be notified to the giver of the notice and referred for prompt decision, in default of agreed compromise, to a judge of the Local and District Criminal Court. Examination will need to be given to methods of referral. Possibly a useful precedent may be found in the field of industrial law.

(3) I see no need for the creation of a new offence of marching without prior notification, or in the face of a sustained objection, but persons so marching would be less likely to receive adequate police protection and more likely to be arrested for obstruction. I refer to the submissions by the Council for Civil Liberties on this topic. I think that there are already enough street offences and that any new offence created should be in lieu of and not in addition to some existing offence. Nevertheless there is merit in the view that persons who march in defiance of a court ruling and after a fair hearing ought to be liable to a greater penalty than those who merely obstruct by marching.

The Bill gives substantial effect to these recommendations. It has, however, proved impracticable in framing the legislation to provide for informal notice of spontaneous demonstrations, and a period of four days has been specified for the notice.

Clauses 1 and 2 are formal. Clause 3 contains the necessary definitions for interpreting the legislation, the most important being the definition of "assembly". This is defined as any assembly, convention, gathering, or procession. This is in accordance with the Royal Commissioner's view that both moving and stationary demonstrations ought to be regarded as belonging to one category and that it is the total situation that should be looked at.

Clause 4 provides that the organizers of a proposed assembly in a public place must give notice to the authorities, at least four days before the proposed assembly, of the date, time, place, or route. The notice must also contain the name of the person giving the notice, the name of the organization (if any) organizing the assembly, the purpose of the assembly, and an estimate of the number of people who are expected to participate. The notice is to be given to the Chief Secretary or the Commissioner of Police, or the clerk of the council for the area in which the assembly is to be held.

Clause 4 (5) provides for the situation where two or more notices are given in respect of the same assembly. Only one is to be valid, and the Chief Secretary is to determine which of the notices is valid. Clause 4 (6) provides that the Chief Secretary, Commissioner of Police, or council may object to any proposal contained in the notice on the ground that the proposal would unduly prejudice the public interest. Clause 4 (7) provides that the objection must set forth the grounds on which it is alleged that the proposal would unduly prejudice the public interest. Clause 4 (8) provides that a copy of the objection must be served on the person who gave notice of the assembly, at least two days before the date of the proposed assembly, and that publicity must be given to the objection. It is necessary to publicize the objection so that those who may take part in the assembly are warned of the official objection.

Clause 5 provides that the person making the proposal for the assembly, or any person intending to participate in the assembly, may apply to a judge of the Local and District Criminal Court for an order overruling the objection, or approving substituted proposals. Proceedings before the judge may be heard informally. This provision will enable hearings to come before a judge at fairly short notice; this will be necessary where notice of an

assembly has been given only four days before the proposed date of the assembly. Clause 5 provides, in accordance with the Royal Commissioner's suggestion, that, where the conduct of the assembly conforms with proposals to which no official objection has been taken, or with proposals approved by the judge, those taking part in the assembly are not to be regarded as being in breach of traffic laws or obstruction so long as they peaceably act in accordance therewith. Under the common law it is not clear whether those participating in a stationary assembly are always guilty of the offence of public nuisance in that they obstruct the highway and always are liable to be sued in trespass by the owner of the highway; subclause (1) (*b*) makes it clear that this is not so.

There is no provision making it an offence to assemble without prior notification. The Royal Commissioner considered that there was no need to create a new offence as there were already enough street offences. Those who assemble without giving prior notification will not gain the protection of clause 6.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to vest the ultimate responsibility for the control of the Police Force in Executive Government. In proposing this measure I cannot do better than refer to the report of the Royal Commissioner appointed to inquire into the moratorium demonstration. The Commissioner states:

> The Police Force has some independence of operation under the Police Regulation Act (4) but it is still a part of executive operation. In a system of responsible government there must ultimately be a Minister of State answerable in Parliament and to the Parliament for any executive operation. This does not mean that no senior public servant or officer of State has independent discretion. Nor does it mean that the responsible Minister can at his pleasure substitute his own will for that of the officer responsible to him. The main way in which a Minister and an officer of State become identified with an important decision is by a process of discussion and communication. The Minister inquires of his officer, the officer provides information and advice to his Minister; the Minister, perhaps drawing from a wider view of policy and political purpose and perhaps also drawing on a different field of information, provides information and advice to the officer. Almost always in such a case agreement will be reached on the broad basis of decision and action. From there on, the officer will be the "field commander". He will carry out the decision, acting reasonably and using his own discretion in circumstances as they arise. But ultimately he will be responsible, through the Minister, to the Parliament—not in the sense that he will be subject to censure for exercising his discretion in a manner contrary to that preferred by the majority in Parliament, but in the sense that all Executive action ought to be subject to examination and discussion in Parliament.

To point up this discussion, a Commissioner of Police is an important executive officer of State. He is trusted to exercise powers essential to any civilized society. He necessarily exercises some discretion in the mode of exercise. It is right that he should, in important matters, especially matters which have some political colour, discuss the situation with the Minister who is ultimately responsible to Parliament.

During the hearing reference was made to the Final Report in 1962 of the Royal Commission on the Police (U.K.). I believe that that report is concerned, in the main, with the question whether a national police force should be established and not with control of that force, if established. The commissioners make it clear in paragraph 139 that in their view:

> To place the police under the control of a well-disposed Government would be neither constitutionally objectionable nor politically dangerous; and if an ill-disposed government were to come into office it would without doubt seize control of the police however they might be organized.

It would be clearly wrong for a Minister, by a too eager participation in crime suppression, to give rise to the suggestion that justice was being administered in a partial way. Nevertheless, sometimes a decision has to be made as to whether to take or refrain from taking forceful action to terminate an obstruction to the streets caused by a group which has created the obstruction in the course of demonstrating its support for some political or quasi-political objective. To terminate the obstruction will cause anger in one section, not to terminate will cause anger in another. If the decision is made solely by the Commissioner of Police the process of polarization is almost inevitable.

I do not think that the Commissioner of Police and his force ought to be placed in a situation where they have to take sole responsibility for making what many reputable citizens regard as a political type of decision. The Commissioner of Police ought to have the right in any such case, of obtaining general advice from the Chief Secretary, but the Commissioner of Police ought not to be bound to initiate such discussions. The Chief Secretary ought to be willing to advise and direct the Commissioner of Police in any such case, to make public the fact that he has done so, and to take the burden of justifying the decision off

the shoulders of the Commissioner of Police and on to his own shoulders in Parliament.

I believe, further, that where such advice, in an area of choice of action in a quasi-political situation, is tendered to the Commissioner of Police, two consequences should ensue:

(a) that he ought to act in accordance with that advice and direction as long as the assumptions upon which the advice and direction was tendered remain valid;

(b) that the Commissioner of Police is not to be regarded as being in breach of his duty in so acting.

I have referred in chapter 3 to the position of the Commissioner of Police in relation to the Executive elsewhere in Australasia: I am not impressed by a need for uniformity, but the fact that in so many places there can be Executive intervention is significant. It is not only politically correct, but it is also in the long-term best interests of the Police Force in this State, that there should be a power of executive intervention.

The relationship between senior officers and the Executive is not spelled out in detail in statutes. To a great extent it is a matter of convention, of arrangements well understood, of limits not transgressed. One such convention is, I believe, firmly established in this State now. It provides that in matters of ordinary law enforcement the Minister will seldom, if ever, advise the Commissioner, although he may consult with him. It is in the area of law enforcement in which there is a political element that advice and occasionally direction are to be expected from the Minister. In any such case there should be no doubt whatever as to the advice or direction tendered. It should therefore be in writing and should, at the appropriate time, be tabled in Parliament. I say "at the appropriate time" because I can envisage circumstances in which it would not be appropriate to publicize a proposed course of action before the event had occurred.

Status of Commissioner of Police: *(a)* I recommend that for the reasons stated in chapter 9 the Commissioner of Police should retain the independence of action appropriate to his high office but should be ultimately responsible, like his colleagues in many other parts of Australasia, to the executive government. To achieve this end section 21 of the Police Regulation Act, 1952-1969 may be amended so as to read "Subject to this Act and to any directions in writing from the Chief Secretary the Commissioner shall have the control and management of the Police Force" or, if the Parliament thinks fit, the more formal course of a direction by the Governor in Executive Council may be adopted, as in Victoria. If I may express a preference, it is for the less formal discussion between Minister and Commissioner, leading at times (not necessarily as the result of disagreement) to a written Ministerial direction.

(b) Consequential provision should be made for making public at the appropriate time the fact and contents of any such direction.

(c) A convention should be established, as discussed in chapter 9, with regard to the limits within which any such written direction may properly be given. The Chief Secretary and the Commissioner of Police ought to be able to reach an understanding which would form the basis of this convention.

I might mention, before proceeding to a consideration to the provisions of the Bill, that the Government has decided to adopt the more formal course of submitting any proposed direction to Executive Council. The provisions of the Bill are as follows:

Clauses 1 and 2 are formal. Clause 3 amends section 21 of the principal Act. This section places the control and management of the Police Force in the hands of the Commissioner of Police. The amendment makes it clear that in exercising that control and management the Commissioner is to be subject to any directions of the Governor. Honourable members will be aware that under section 23 of the Acts Interpretation Act a reference to the Governor is a reference to the Governor acting with the advice and consent of Executive Council. The Chief Secretary is required to cause a copy of every direction made by the Governor to be laid before each House of Parliament within six sitting days if Parliament is sitting or, if not, within six sitting days of the next session of Parliament. He must also cause a copy of the direction to be published in the *Gazette.*

The Hon. R. C. DeGARIS secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

The purpose of this short Bill is to repeal section 63 of the Lottery and Gaming Act. This provision, which is unique to South Australia, has attracted a good deal of well-merited criticism ever since its introduction. As the provision stands, it enables a police officer, without any proper cause, to move along any person who happens to be in a public place, however innocent his business or pleasure in that place may be. These sweeping powers have in general been exercised with restraint. But that fact cannot justify the retention of powers that go far beyond what is required adequately to protect the public interest. Any powers that enable a public official to interfere with the freedom of a citizen must contain sufficient safeguards to prevent arbitrary discrimination and victimization.

Such powers must further be based upon some clear principle deriving from the public interest. If, in fact, the freedom of the citizen is to be subordinated to decisions taken by a police officer, then those decisions should be justifiable upon some rational ground. The proposed amendments to the Police Offences Act will ensure that a police officer has adequate power to move along members of the public where the public interest demands that that course be taken. These amendments render unnecessary the continued existence of section 63. The provisions of the Bill are as follows. Clauses 1 and 2 are formal. Clause 3 repeals section 63.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

Its purpose is to implement some of the recommendations and suggestions made by the Royal Commission appointed to report on the moratorium demonstration. The Royal Commissioner was directed to inquire into and report upon the changes that should be made in the law relating to public demonstrations. The recommendations that have emerged from his report involve amendments to the Police Offences Act. These amendments can, I think, be best understood by examining immediately the provisions of the Bill and of the principal Act.

The first amendment is made by clause 3. This amendment is consequential upon the projected repeal of section 63 of the Lottery and Gaming Act. The purpose of the amendment is to render the provisions of section 18 of the principal Act more comprehensive and effective. This section now provides that a person who loiters in a public place and on request by a member of the police force does not give a satisfactory reason is to be guilty of an offence. Under this power a police officer has sufficient powers to deal with one or two people loitering improperly. He can demand of loiterers their reason for loitering and, if they advance no proper reason, either arrest them there and then, or order them to cease loitering upon threat of arrest.

Some provision is needed to deal with groups of people and for crowd control when it is not feasible for a police officer to demand of all individuals concerned their reason for loitering. Under the provisions of the Bill, a police officer may move a person along where he believes or apprehends that an offence has been or is about to be committed by that person or by others in the vicinity; that a breach of the peace has occurred, is occurring or is about to occur in the vicinity; that the movement of pedestrians or vehicular traffic is obstructed or is about to be obstructed by the presence of that person, or of others in the vicinity; or that the safety of that person or of others in the vicinity is in danger.

This new provision differs from section 63 of the Lottery and Gaming Act, which is to be repealed. The new section limits the exercise of this kind of power to cases in which its exercise can be properly justified. The Government believes that the arbitrary and unrestricted powers in the Lottery and Gaming Act are not necessary and constitute a grossly unwarranted interference with the citizen's rights. A police officer should be required to have a reasonable apprehension of facts that make so drastic a course necessary before interfering with the normal liberty of a subject by ordering him to move on.

The object of this provision is therefore to safeguard the liberty of the subject and to ensure that it is not interfered with unless there are reasonable grounds for believing that considerations of the public interest so require. It is believed that new subsection (2), coupled with the existing provisions, will afford adequate protection to members of the public and at the same time provide the police force with adequate powers to meet the exigencies of any situation in which they should properly take action against loiterers. Clause 4 repeals the present section 58 of the Act and enacts a new section in its place.

The new clause provides in section 58 (c) that it is an offence to obstruct wilfully the free passage of a public place. The present section 58 makes it an offence only to obstruct the free passage of a highway. The Royal Commissioner recommended that this section should be extended to include the use of or passage through other public places. Under the proposed amendment, demonstrators who obstruct some places other than highways will be guilty of an offence. Public place is defined in section 4 of the Act as including—*(a)* every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; *(b)* every place to which the public are admitted on payment of money, the test of admittance

being the payment of money only; and (c) every road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that the road, street, footway, court, alley or thoroughfare, is on private property. Subclause (2) makes it clear that, although a "public place" may in some cases include private property, the section is not to be construed as affecting the rights of any person who has a legal or equitable interest in the property constituting or forming part of the public place.

Clause 5 amends section 59 of the principal Act by providing in subclause *(a)* that any directions given by the Commissioner of Police or the mayor of any municipality or the chairman of any district council for regulating traffic, preventing obstructions or maintaining order must be reasonable directions. As the section stands at the moment, there is no requirement that the directions given be reasonable. Subclause 4 *(b)* deals with the question of when directions to control traffic, prevent obstructions and maintain order may be given under the section. Under the section as it stands at the moment, directions may be given on any "special occasion", which is defined as meaning "any period of time during which, in the opinion of the person giving a direction under this section, any street, roads or public places will be unusually crowded". The Royal Commissioner doubted whether section 59 was necessary to disperse obstructing crowds.

From his report it is clear that, unless methods of communicating directions to the obstructing crowds can be found, the section is unsuitable for dispersing a crowd that has already gathered. This is not the true purpose of the section. The purpose of the section is to enable directions to be given before the "special occasion" has arisen, not after it has arisen. Subclause (6) confines the operations of the section to its main purpose by requiring that the directions under this section be given before the "special occasion" has arisen. Subclause (6) requires that the directions be given by publication in the newspaper or such other manner as to ensure that they will come to the attention of those who will be affected by the "special occasion". Subclauses (7) and (8) provide that a police officer may give orders to ensure compliance with the direction and that it is an offence not to comply with such an order. This replaces the cumbersome procedure required under the present subsection (6) whereby a police officer has to request a person to comply with a direction.

Clause 6 repeals section 60, which deals with the suppression of riots and public disorder. The Royal Commissioner considered that this section was not an appropriate aid to the removal of a group of demonstrators actually occupying a public place before the section is invoked. There are other laws adequate to deal with rioters or intending rioters without this section. For example, the police have power under the common law to disperse crowds when they anticipate that a breach of the peace may occur. Those participating in the riot could be dealt with under the common law offences of riot or unlawful assembly. They could also be guilty of statutory offences of obstructing the highway, disorderly behaviour, disturbing the peace and many others. Clause 7 amends section 80 of the principal Act by requiring a police officer who refuses to admit an arrested person to bail to inform that person of his rights to make an application for bail to a justice. The present section gives an arrested person the right to ask to be brought before a justice but he does not have to be informed of this right. The Royal Commissioner considered that arrested persons should be informed of this right.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

APPROPRIATION BILL (No. 1) (1972)

Adjourned debate on second reading.

(Continued from March 22. Page 4106.)

The Hon. C. R. STORY (Midland): I rise to speak to this measure not because I am very thrilled about it but because I believe it is necessary that it should pass. We are indebted to the Chief Secretary for giving us an excellent account of the State's present financial situation as well as a full explanation of this Bill. The most important thing about it is that we tend sometimes in this State not to give credit where credit is due. This Bill is brought about mainly because Commonwealth moneys are involved, and I think we should acknowledge what the Commonwealth has done in the last couple of years in extending greatly its assistance to the State.

The way in which this money has been allocated is of prime importance to all sections of the community. Last February, at the Premiers' Conference, the Commonwealth made available to South Australia additional funds of about $1,600,000 for revenue purposes, $4,400,000 for Loan works, $700,000 for rural unemployment grants, and the authority to

borrow $500,000 for semi-governmental purposes. The approved allocations from Revenue Account included $500,000 for increased work on the maintenance of schools and hospital buildings, accelerated replacement of older Government motor vehicles, increased support of the needy, and a variety of widespread smaller provisions for maintenance, running expenses, and purchase of minor equipment.

I turn now to the part of the Bill that interests us particularly. The allocation of this money ($1,746,000) is as follows:

Treasurer—Miscellaneous	390,000
Public Buildings Department . .	500,000
Education Department.....	300,000
Agriculture Department.....	316,000
Minister of Agriculture—Miscellaneous.....	40,000
Department of Social Welfare and of Aboriginal Affairs . .	200,000
	$1,746,000

I want to deal specifically with the allocations to departments and the reasons given for the money being apportioned as it is. "Treasurer—Miscellaneous" deals with the subsidies to country electricity undertakings. It is stated in the second reading explanation that, although increased efficiency had been observed, the subsidy was still quite high in some country undertakings. There is no doubt that, the sooner the Electricity Trust can get out and take over what must be the last remaining district council electricity plant, the better. However, this can be done only if the trust is supported in every possible way. When there is an efficient undertaking like the Electricity Trust, there is a great tendency to milk away from it or not to allow it to increase its tariffs, which puts it at a disadvantage.

The tremendous strides that the trust has taken from its inception, during the whole of the Playford era and since, has been nothing short of remarkable in a State as sparsely populated as this. The single wire earth return system, which was developed here, played a big part in that. The $240,000 included in this Bill for subsidy for country undertakings could (I hope in a very short time) be eliminated by the trust's taking over some of these schemes, thus obviating the necessity of using moneys that could well be used on other facilities. The interest funds held at the Treasury are higher than originally estimated, but this is offset by higher Reserve Bank interest. This is another of the Playford Government's ideas that has borne fruit—and very good fruit, too—the using of Reserve Bank money at a beneficial interest rate, which the then Treasurer was able to negotiate with the previous governor of the bank. Any moneys surplus to State requirements are always working for the benefit of the State, which is good housekeeping.

There is $500,000 for the Public Buildings Department which, in the main, will be used for maisonettes and painting jobs to provide in some measure for people who are unemployed or are finding it difficult to obtain work. This will certainly stimulate the smaller type of business in this State. The $300,000 for the Education Department will be used for stimulating the economy. Accordingly, amounts of $80,000, $120,000 and $100,000 have been included in the Bill for fuel, gas, electricity and water, postage and telephone charges, and materials and items of minor equipment. The sum for minor equipment will certainly help some small manufacturers who are finding difficulty in securing orders at present. Regarding the Agriculture Department allocation of $316,000, it is a pity that $172,000 of this sum will in all probability be used to pay compensation as a result of some careless person's bringing fruit fly back into the State. As the State is always short of money, it is a pity that about $244,000 will be spent on taking precautions against fruit fly and on paying compensation. If only the Agriculture Department had the $244,000 to spend, it would be much better to spend it on the State as a whole instead of having to use it for the purposes set forth.

I have always supported the payment of compensation for fruit fly, which we have been lucky to contain within the metropolitan area. South Australia is one of the few States free to export fruit to many markets of the world, particularly its citrus. The next matter is one of the sad ones, namely, Minister of Agriculture and Minister of Forests, Miscellaneous, $40,000, for writing off losses incurred by the Citrus Organization Committee in the last season. Not only will $40,000 be written off, but $17,000 will go to subsidize the committee in the next season. In addition, the committee owes the Government $15,000 for past debts. This is poor, because the Government brought itself into this situation.

I believe that, if the Government had taken the advice given in this Chamber, this expenditure could have been avoided. Instead of rushing into a situation where the growers had not been consulted on their wishes or asking them democratically what they wanted, the Minister made up his mind on what they

wanted—and they got it, whether or not they wanted it. Requests were made at the time the legislation was introduced, and I was assured that three things would happen: first, a poll would be conducted on whether the growers wanted the Citrus Organization Committee to continue; secondly, no person who had been on the committee previously would be reappointed to it. However, neither of those things happened; they were completely overlooked. Thirdly, I have always maintained that it is a bad thing for Governments to start subsidizing in this way. Other means could be used to help industry, and it is the Commonwealth Government's responsibility to a large degree for helping struggling industries out of their difficulties.

In this case, the State Government has guaranteed a draft of the committee; it has made a grant of $40,000 on this occasion; it has promised $17,000 for the future; and the Citrus Organization Committee already owes an additional $15,000. This is only one industry. I warned the Minister, when he introduced an amendment to the Potato Marketing Act, that the Government's job was to make the machinery available to private industries within the framework in which they could function. It is not the Government's job to take over and market a board's fruit or produce: that is the board's job. The Government should provide only the vehicle. If we are to finance every board that will be set up (and they are increasing in number), in order to guarantee them we will see much of this type of writing-off, which has been done before and done to the hurt of the general taxpayer.

When I think of some of the other things that have been done in the form of subsidy and guarantee, I think we should have learnt our lesson, because the sum written off in the canning industry is considerable. I do not believe that we should continue this practice. I realize now that the committee, which has been functioning for some time with insufficient funds, is virtually bankrupt. Certain creditors would be hurt if the Government did not step in. I think people should have been apprised long ago of the financial situation and a poll should have been conducted to decide whether or not the growers wanted the committee to continue. It is not a happy situation. The whole scheme was conceived out of wedlock and, like most such things, it never came to a very happy conclusion. It was a Government-drafted Bill in the first place, and hastily put together. I think it was put together on the same premises as the Potato Board's legislation which, after all, was a merchants' benefit Bill in the first place. I always hoped that the Potato Board would succeed, and I now believe that it is doing well. I am satisfied with what the board has done, as a result of goodwill on the part of management and the producers, but goodwill cannot be bought.

Public relations should not be improperly conducted, but I believe that public relations in the Citrus Organization Committee from the word go were almost like the Minister's karate, with which he can smash almost anything. The citrus committee became too heavy-handed with the power it had and lost the growers' confidence. Consequently, $40,000 will have to be written off, together with the other sums I have mentioned. However, I suppose the Government feels obligated to continue the committee for a time, but there are certain problems in connection with this matter. I hope that the necessary steps will be taken to ascertain the growers' wishes and not keep writing off sums of about $40,000. The growers should decide whether they want to retain the scheme or discontinue it. If they are not willing to pay for it, it should be disposed of. It should not be kept as a very expensive ornament.

Dealing with the Department of Social Welfare and Aboriginal Affairs, we see something of a departure. In his explanation the Minister said that the department has had a very small turnover of staff and therefore departmental needs had been underestimated by about $100,000, because it is unusual to find that some do not leave the department and thereby create vacancies. It seems a quaint way of bookkeeping, but I suppose it is all right.

The Government has given attention to the ill and the unemployed. We are all conscious that there are many people in this category, particularly at present, as we have had a higher level of unemployment than for some considerable time. The work done in local government areas through the expenditure of this money is very good indeed. People do not feel that they are on the dole or receiving a hand-out; they are receiving a proper wage for a proper day's work and at the same time doing useful work in many country towns.

Clause 4 provides that the Treasurer shall have available to him under His Excellency's warrant sufficient money to carry on, and this is a normal machinery clause. Clause 5 gives power to issue money under the Loan Fund;

this is normal. Clauses 6 and 7 are as usual. Having said that, I support the Bill.

The Hon. L. R. HART (Midland): I shall make one or two brief comments on the Bill before the Council. One concerns the Electricity Trust of South Australia, which has already been mentioned by the Hon. Mr. Story. Honourable members will recall that in 1971 the Council passed an amendment to the Electricity Trust of South Australia Act requiring the trust to pay to Consolidated Revenue a quarterly levy equivalent to 3 per cent of its revenue from the sale of electricity. We have now reached the situation where we are handing back to the trust some of the revenue it has paid into Consolidated Revenue. I should like to know to what extent the daylight saving legislation has contributed to losses by the trust in country areas of South Australia. In his explanation, the Minister said that the trust had reported that final results for 1970-71 for many country undertakings were much less favourable than earlier reports had indicated.

I suggest that daylight saving contributed very greatly to the down-turn in revenue in country areas. We know this occurred in the city. The figures were published in the press recently, and the extent to which the revenue of the trust declined following the advent of daylight saving was very considerable. If we are to continue with daylight saving we should consider whether the trust should be required to pay 3 per cent of its revenue from the sale of electricity into Consolidated Revenue. It is an unnecessary bookkeeping exercise to require such an authority to pay money into Consolidated Revenue and then for Consolidated Revenue to pay it back. The amount required to be paid back to the trust on this occasion is considerable in relation to subsidies in country areas.

The amount provided in the Estimates of Expenditure was $320,000, and further provision is now required of $240,000, which is only $80,000 less than the original amount; therefore, we are giving the trust nearly as much again as was originally appropriated. The question should be examined very closely.

The other matter to which I wish to refer is the provision for the eradication of fruit fly. I understand that at a later stage a Bill will come before the Council to make provision for payment of compensation to people who had fruit stripped from their gardens. I do not know whether the amount of compensation to be paid out under the proposed amendment to the Act will come before the Council in this session or whether it is incorporated in these figures. However, in the Estimates of Expenditure for the year ending June 30, 1972, we find a line for fruit fly eradication and the amount is $180,553, yet in the Bill before us the amount appropriated is shown as $44,990. I should like the Minister to explain the disparity between the figures before us and those appearing in the Estimates of Expenditure.

There are a number of other matters on which one could comment and there are other things I want to say about fruit fly compensation and eradication, but as there will be another Bill before the Council on this matter I will reserve my remarks for that occasion.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given this Bill. I regret that the Minister of Agriculture is temporarily absent from the Chamber at a press conference. I will get the information requested by the Hon. L. R. Hart, but a possible explanation is that the first amount appropriated was for payment for road blocks, and not for any outbreaks of fruit fly. However, I am not sure of that, so I will get the details and let the honourable member have them as soon as possible. As he said, there will be a further opportunity to raise this matter. There is a Bill to come down to provide for the payment of compensation to people who have lost fruit through the effects of fruit fly. By that time we will have the point cleared up.

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

SUPPLY BILL (No. 1) (1972)

Adjourned debate on second reading.

(Continued from March 22. Page 4107.)

The Hon. C. R. STORY (Midland): It has become customary in recent years to split this whole question of Supply into two portions, and on this occasion the amount involved is $60,000,000. I do not think Parliament takes any risks at all, because the Bill provides that the Government must give a complete accounting for everything spent when the Budget is presented. So, although $60,000,000 is a very large sum, there is no real danger involved. Previous Governments have followed this kind of practice.

The Bill provides the Public Service with continuity of spending and salaries. Not many years ago the whole of the Loan and Revenue Budgets of the State amounted to not more than $60,000,000 for the whole year. I can well remember when we reached the

$50,000,000 mark not many years ago. I am sure that honourable members appreciate the Government's very full explanation of the Bill. Of course, I believe that the Government has an eye to the principle that it pays to advertise. Anyway, I support the Bill.

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

INDUSTRIAL CODE AMENDMENT BILL (TRADING HOURS)

Adjourned debate on second reading.

(Continued from March 22. Page 4099.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In opening the debate on this question, I do not intend today to deal with the matter at any length. This is really a Bill where most of the points will be made during the Committee stage. First, let me very quickly recount the history of the events leading up to the present situation. With the growth of the metropolitan area over the last 20 years an anomaly was created in relation to trading hours. Within the metropolitan area as presently defined there were areas where late night closing was permissible, and there were areas where early closing was enforced. Whether that situation was detrimental and whether it was right or wrong, does not really matter: that was the situation that existed. No doubt honourable members received many approaches from constituents in regard to that situation.

The Government decided to conduct a referendum on the question. There may have been some other motives behind that decision, but I shall not comment on that matter. The result of the referendum was in favour of early closing over the whole of the metropolitan area. If one checks the speeches made by honourable members at the time the referendum Bill was before the Council, one finds that many questions were asked here. I think the Council's viewpoint was that the questions being put in the referendum could not be used to interpret the views of the people. If honourable members cast their minds back to that time, I think they will agree that the points I have referred to were strongly made during the debate on the referendum Bill. I still have grave doubts as to whether the referendum result accurately reflected the views of the people.

Even though the questions put in the referendum were confusing, the Government followed the result of the referendum and abolished late night shopping, which had existed since 1926, I think, in some areas. Since then there has been growing pressure on both the Government and the Opposition for more liberal trading hours. Although one must have some sympathy for the Government's position, one must also have some sympathy for the position in which the Opposition is placed, because this has been a difficult problem, which has faced us for some time. In his second reading explanation, the Minister said :

> In recent months, the Minister of Labour and Industry has had numerous discussions with representatives of the associations of storekeepers and of retail employees, and representatives of the employers and employees have had many discussions between them on this subject. The Minister has endeavoured to arrive at arrangements that would be acceptable to both the retailers and the unions, because it is the employers and employees in the industry who will have to make any new trading arrangements operate satisfactorily, not only for themselves but also for the benefit of the public. Unfortunately, it did not prove possible to reconcile the differing views.

It is obvious that differing views must be expressed by employers, employees, unions, various sections of the retail trade, the small shopkeepers, the large departmental stores, and so on. However, I find it difficult to accept that it was not possible to reconcile the differing views of those groups. In the portion of the second reading explanation to which I have referred, the Minister did not refer to the purchasing public. As far as I am concerned, their viewpoint is just as important as is that of the persons to whom the Minister referred. He later continued:

> The Government's view is that the extra 31 hours trading to suit the wishes of the public should not be introduced at the expense of the working conditions of shop assistants, who are the ones who give the service to the public.

I am certain that that statement would meet with the total agreement of honourable members. An extension of trading hours should not be made at the expense of the shop assistants involved. Apart from the reasons that it has given, the Government appears to be admitting in the second reading explanation that the plan contained in the Bill will add substantially to the level of prices to the consumer. Later in his second reading explanation the Minister said:

> Although it has been suggested that the amendments contained in this Bill will cause substantial increases in costs and therefore in prices, it must be recognized that any extension in trading hours would involve some increase in costs.

I think that statement is true.

The Hon. A. F. Kneebone: This is in the context that the shop assistants' conditions would not deteriorate as a result.

The Hon. R. C. DeGARIS: That is so; I took all those points into account. I am saying that the plan the Government has decided to put before Parliament will look after shop assistants to a certain degree. However, I do not agree that it will look after them in the best possible way, because I believe there would be a better solution to this problem for them. The plan that has been adopted will add more to the cost to the community than any other scheme that the Government could have adopted.

The Hon. D. H. L. Banfield: This didn't show up in the fringe areas before.

The Hon. R. C. DeGARIS: We are not dealing in this Bill with what happened previously in the fringe areas. This is a new concept.

The Hon. D. H. L. Banfield: But they were being paid overtime on Friday evening in the fringe areas, and that cost did not show up.

The Hon. R. C. DeGARIS: We are not talking about whether or not there should be overtime.

The Hon. D. H. L. Banfield: You are talking about the increases for shop assistants.

The Hon. R. C. DeGARIS: We are not speaking about the matter at all; we are speaking about the concept of a 40-hour week from Monday to Friday.

The Hon. D. H. L. Banfield: That is right, and overtime after 5.30 p.m.

The Hon. R. C. DeGARIS: This Bill introduces a new concept that was not in operation when the fringe areas previously had Friday evening shopping. It is, therefore, a new concept, and this new concept will add more to the cost to the consuming public than will any other scheme. Also, it has the disadvantage of not looking after the interests of the shop assistants in the best possible manner. It remains to be seen whether or not what I am saying is correct. Although I am examining the situation, I intend to gather more information on it. That is how I see the situation. I am certain that honourable members can agree to the Bill, provided that satisfactory terms can be arrived at that will be in the best interests of all concerned: retailers, employees, and the consuming public.

The Hon. D. H. L. Banfield: Even the retailers cannot agree among themselves.

The Hon. R. C. DeGARIS: Neither can the unions.

The Hon. D. H. L. Banfield: Yes, they can. The unions have agreed amongst themselves.

The Hon. C. M. Hill: With the Trades and Labor Council?

The Hon. R. C. DeGARIS: I do not think we had better pursue that matter, because the Hon. Mr. Banfield would have far more knowledge of this and, therefore, would be able to state the position far more accurately than we can. I am sure we can agree to the Bill, provided (and I make this proviso strongly) that satisfactory terms can be arrived at that will be in the best interests of all concerned. We in this Chamber as a House of Review (in co-operation with the Government, I hope) must ensure that the results of this legislation will not add substantially to the cost of living for the consuming public. We must also ensure that any decisions made in this matter will not have a damaging effect on other sections of the economy. I am certain the Minister understands what I mean by that statement. I have not had time so far fully to gather the information I require, so I now seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 4.12 p.m. the Council adjourned until Tuesday, March 28, at 2.15 p.m.