LEGISLATIVE COUNCIL

Tuesday, March 28, 1972

The Council assembled at 2.15 p.m.

APPOINTMENT OF DEPUTY PRESIDENT

The Clerk having announced that, owing to the unavoidable absence of the President, it would be necessary to appoint a Deputy President,

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

That the Hon. G. J. Gilfillan be appointed to the position.

The Hon. R. C. DeGARIS (Leader of the Opposition) seconded the motion.

Motion carried.

The DEPUTY PRESIDENT took the Chair and read prayers.

The Deputy President vacated the Chair.

DEATH OF MR. P. H. QUIRKE

The PRESIDENT: It is with profound regret that I have to draw the attention of honourable members to the lamented death of Mr. Percival Hillam Quirke, a Minister of the Crown from 1963 to 1965, and a member of the House of Assembly from 1941 to 1968. I have conveyed the sympathy of the members of this Council to Mrs. Quirke and the members of her family and I ask honourable members to stand in silence as a tribute to his memory and his sterling public service.

Honourable members stood in their places in silence.

QUESTIONS

SITTINGS AND BUSINESS

The Hon. R. C. DeGARIS: As the Notice Paper already has some important Bills listed for consideration by this Council and as we know that some lengthy and complex Bills are still to come, can the Chief Secretary give details of the future sittings of the Council in this session?

The Hon. A. J. SHARD: The Government decided this morning that we will sit today and this evening, and we will sit tomorrow and tomorrow evening. However, we will not sit on Thursday. Next week we will sit on Tuesday, Wednesday, Thursday and Friday if necessary. If the business is not completed by then, the question will be reviewed.

NATURAL MINERAL FERTILIZERS

The Hon. D. H. L. BANFIELD: I believe that the Agriculture Department has completed its analysis of the extensive field trials that were conducted during 1971 to test the value of natural mineral fertilizers. Can the Minister of Agriculture provide the Council with information concerning the results of those tests?

The Hon. T. M. CASEY: During 1971 trials were conducted by the Agriculture Department in conjunction with several agricultural bureaux to test the value of so-called natural mineral fertilizers in correcting soil deficiencies. Eleven sites were chosen, seven on wheat crops in the Upper South-East, northern Yorke Peninsula and Eyre Peninsula, and four on pasture in the lower South-East. Correct research procedures were used in plot replication and randomization. In every case the "prescription mixture" was found on analysis to have low fertilizer value and no relation to the requirements of the soils in question, or to the "soil analysis report" received from the supplier. In none of the plots treated with the prescription mixture was there a significant visible or measurable increase in growth or yield of pasture or grain by comparison with those receiving no fertilizer at all. This was as expected from the very low content of nutrient, generally in unavailable forms, found in the mixtures. Orthodox fertilizers gave substantial yield increases in production at the majority of sites. I wish to convey my thanks to the members of the eleven agricultural bureau branches concerned, especially to those who made their properties available for the trial plots.

A detailed report of the mineral fertilizer trials is available from the Agriculture Department. I would suggest to all those persons interested in the use and application of fertilizers that they obtain a copy of this comprehensive report.

UNDERGROUND WATER

The Hon. L. R. HART: Can the Chief Secretary say whether control of underground water in South Australia is to be transferred from the Mines Department to the Engineering and Water Supply Department and, if it is, what is the reason for that transfer, and is it being made on the advice of the Underground Water Advisory Committee?

The Hon. A. J. SHARD: I have no personal knowledge of such a proposal, but I will take up the matter with the Minister concerned in another place and bring back a report as soon as practicable.

CITRUS

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

Leave granted.

The Hon. M. B. DAWKINS: I think all honourable members will realize that the Citrus Organization Committee has been put in an awkward position by the result of the poll taken last year. In saying that, I do not mean to criticize in any way the right of the growers to make the decision that they made. I understand that the Citrus Organization Committee is to be continued by the Government and financed by it for another 12 months. Is the Minister able to tell the Council whether it is intended that the committee will continue to meet as often as it has done previously? Also, will he give honourable members some idea of the committee's functions during the next 12 months, and say whether there will be any variation in the remuneration paid to members of the committee?

The Hon. T. M. CASEY: As the honourable member would realize, the Citrus Organization Committee is a statutory body. It will, to the best of my knowledge, perform the same functions in the future as it has done in the past.

SHEEP DIP

The Hon. D. H. L. BANFIELD: Has the Minister of Agriculture a reply to the question I asked on March 15 regarding the compound marketed under the name "Jet-Dip"?

The Hon. T. M. CASEY: The Director of Agriculture reports that a product known as Dipjet is registered in South Australia under the Stock Medicines Act. It is presumed that this is the same as "Jet-Dip" referred to by the honourable member. The active constituent of Dipjet is a wellknown insecticide that has been in common use for a number of years for dipping sheep and, so far as the department is aware, has not been associated with any sheep losses. Losses of sheep following dipping are rarely caused by the active constituent. They are usually associated with other causes, such as infections, stress due to travelling while still wet, or slow drying. The Director considers there is no reason to suspect that the active constituent of Dipjet is in any way dangerous, but he will seek further details of the losses referred to and I shall be pleased to pass this information on to the honourable member in due course.

SOUTH-EASTERN DRAINAGE

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

Leave granted.

The Hon. R. C. DeGARIS: With the passage of the South-Eastern Drainage Act Amendment Bill, which adopted a new basis for assessment (that is, on unimproved values rather than betterment), the maximum rate payable is .3c in $1. Will the Government consider the position regarding the two other drainage areas of Millicent and Tantanoola? By way of further explanation, I must say that the Millicent and Tantanoola council areas are still rating on a betterment basis and are still paying completely on this basis the total maintenance for drainage, whereas there is a considerable Government subsidy for the drainage system in the rest of the South-East. With the passage of the new legislation, this presents an anomaly. Will the Government look at the anomaly with a view to examining the two areas that are not under the South-East drainage scheme and bring them into a position similar to those under the board?

The Hon. A. F. KNEEBONE: I will have the situation investigated and bring back a report as soon as it is available.

YABBIES

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

Leave granted.

The Hon. C. R. STORY: Currently before Parliament are regulations under the Fisheries Act. Included in them is a prohibition on the taking of yabbies (which most people call river crayfish) from those reaches of the Murray River that are under licence from the Department of Fisheries and Fauna Conservation. These creatures are common in South Australia. I do not believe anything would be lost if they were made extinct. They provide quite a delicacy for people but it appears to me that the making of large areas of the Murray River and its backwaters unavailable to people to enjoy a very simple form of sport that they have indulged in for a long time would be a hardship. Is the Minister prepared to have another look at the regulations in order that people may freely take the ordinary yabby, or river crayfish?

The Hon. T. M. CASEY: I assure the honourable member that I am prepared to look at the situation but I should like to point out to him that, when be talks about the fishing out of yabbies along the river and says it would not make any difference whether or

not they were fished out, that is a blatant statement to make because recently at the Fisheries Council it was revealed that Western Australia was most concerned about its fresh-water crayfish and it had initiated (and it has been accepted by the Fisheries Council) a five-years ban to be placed on the export of crayfish from Western Australia to enable it to build up its own stocks, in the hope that eventually it could export this type of crayfish. I think the yabbie is a very delicate crustacean (if I may use that term). I used to breed them in dams on my property and I should hate to see them fished out.

The Hon. C. R. STORY: I seek leave to make a further short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: Following the answer given to me by the Minister, I should not like him to think that I want yabbies to become extinct, but there is very little likelihood of that happening, according to all scientific reports. Yabbies are probably the most prolific breeders, given the right conditions. We have in this State, I think, the right conditions. It is with that in view that I again ask the Minister to read carefully what scientific literature is available, particularly in South Australia, on these crustaceans, as he chooses to call them, because it seems to me that it will be difficult if all those areas and the back-waters of the Murray River, which are under fisheries licences, are excluded. Will the Minister study this matter carefully?

The Hon. T. M. CASEY: Yes.

DRIED FRUITS ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Dried Fruits Act, 1934-1966. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

This Bill, which arises from a submission by the Dried Fruits Board, proposes certain amendments to the principal Act, the Dried Fruits Act, 1934, as amended. The matters dealt with in this Bill are briefly:

(a) provision for increased contributions from registered packing houses to meet the sharply increased costs of administration of the Act;

(b) the removal of the requirement for registration of premises where fruit is not actually packed;

(c) provision for a $25 annual fee for registration as a dealer;

(d) provision for increased fees for registration of packing houses;

and, in addition, opportunity has been taken to make certain metric conversions to the principal Act. As honourable members will be aware, the continued existence of the Dried Fruits Board in this State is vital to the well-being of the industry here. In co-operation with the authorities in other States it declares quotas for the release of dried fruits on the home market, and this is essential if the Australia-wide scheme of marketing arrangements is to operate successfully. However, in common with other organizations the board has found its financial position deteriorating, administration costs have risen and, to some extent, production from which revenues accrue to the board is falling. On the year ended February 28, 1972, the board had a deficit of $4,234 and, although the prospects for this year are somewhat brighter, a substantial deficit is again expected, and as a result the board has had to draw heavily on its reserves. It is clear that this situation cannot be allowed to continue and the increases intended are the minimum that will allow the board to function effectively.

To consider the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 effects a metric conversion to section 10 of the principal Act; the conversion here is, for all practical purposes, an exact one. Clause 4 increases the amount of contributions required to be made in respect of registered packing houses from a maximum of $1.20 a ton to a maximum of $3 a tonne in the case of dried vine fruits and a maximum of $6 a tonne in the case of other dried fruits. Within these maxima there is, at proposed subsection (2a), provision for fixing different amounts for different varieties of dried fruits. I would also draw honourable members' attention to the fact that these new maximum contributions levels are calculated with reference to the metric tonne of 2,204 lbs. In this context it may be regarded as the same as a ton.

Clause 5 is a small but quite significant amendment to section 19 of the Act in that it will enable depots for the storage and distribution of dried fruits which previously were often registered as packing houses, even though they did not pack fruits, to be registered without fee. Clause 6 amends section 23 of the principal Act and provides for a $25 annual fee for registration as a dealer. Previously no charge was made for such registrations. Clause

7 amends section 24 of the principal Act and generally increases the annual fees required in relation to the registration of packing houses. The increase is from $2 to $10 in the case of annual fees and from 50c to $5 for transfers of registration. Clause 8 provides for formal amendments requested by the Commissioner of Statute Revision.

The Hon. C. R. STORY (Midland): I support the Bill, and I see no reason to delay its passage. These matters have been considered properly by the responsible statutory body. It is at their request and at the request of the industry that the Minister has been asked to bring down the necessary amendments to the legislation. The Dried Fruits Board was the first orderly marketing authority established in this State, and it was one upon which the wheat board and the barley board were formulated. Its history goes back into the bad days in the dried fruits industry of the 1920's, when the industry was brought almost to its knees. With the formation after the James Case in the 1930's of the State dried fruits boards and a Commonwealth board, the industry has been very usefully served.

It is always to be regretted when fees must be increased, particularly in an industry which is not harvesting as much as one would expect at present. I look forward to the return of the days of the 1930's. At that time one company, of which I was a director for a very long time, packed well over 6,000 tons of fruit, and now packs 2,000 tons. This year, with the wine grape situation as it is, there is a much greater need for the Dried Fruits Board and its various agents to go into the world markets to sell Australian dried fruit.

It is of some interest that today we have present in this Parliament His Excellency the High Commissioner for Canada. I am sure we are all delighted that His Excellency has paid a visit to this Parliament. We have been very interested in the excellent demonstration on view in the centre hall. I have discussed the matter of dried fruits with him. I realize that Canada is one of our best markets (next to the U.K.) for dried fruit. We must take care of the people who looked after us for a long time.

It is also encouraging to know that in the past few weeks one South Australian firm has negotiated the sale of well over 2,000 tonnes of dried fruit. For the first time, that quantity of dried fruit has been sold in Japan. The fruit has been doubly cleansed, as the Japanese market requires, and a great deal of money has been spent to make sure that the fruit is clean. Our fruit has never been regarded as dirty by world standards, but, from the areas in which it is grown, it is prone to pick up a very light dust which gives a gritty taste on the teeth. This fruit must be cleaned thoroughly before it is acceptable to the Japanese market. After a great deal of experimental work by the Commonwealth Scientific and Industrial Research Organization and the Commonwealth Dried Fruits Board, I believe we have a wonderful future for our market in Japan. California previously had the bulk of the market with their Thompson seedless variety. Our sultana will always come out better than the Thompson seedless because of its bright colour which suits the chocolate maker and complements the colour of the chocolate. It is also a seedless variety that is very popular indeed.

Any increase in fees must be looked at carefully in legislation, but I do not think there is any alternative when costs are rising all round. The tragedy is that the producer has not had an increase in the price of his vine dried fruit for at least 10 years; the price is running at a figure below that at which it ran in the early 1920's on comparative money values. The legislation provides for the conversion to the metric system as well as the increase in fees. The Minister has indicated the current deficit, which I hope will disappear if more dried fruit is available, as I think it will be in the next few years, because the dual purpose grapes will have to be dried rather than diverted into wine production unless the wine market brightens considerably very shortly. It is entirely in the hands of the industry, both the wine and dried fruits sections, to see that we can sell competitively in the market places of the world. There is no doubt that we have the quality; it is a matter of whether we price ourselves out of the market by being too hungry.

The Hon. H. K. KEMP (Southern): I join with the Hon. Mr. Story in supporting this Bill. We are considering here a tremendously important industry, and one which has been badly mixed up over the past few years by becoming involved with the tremendous demand for wine, which has taken so many of our grapes.

In our dried fruits industry in South Australia we have a large and unexploited opportunity. We must recognize that some of our local firms are increasing the export of dried fruits in manufactured form. We have one firm in this State which is by far the greatest buyer of dried fruits in our local market.

It is doing an excellent job in sending away dried fruits in manufactured form to foreign markets.

The quality of this fruit cannot be equalled anywhere in the world. I refer to Mr. Balfour. I think that the firm is by far the greatest buyer of any firm in Australia. The quality of the products that that firm is sending away is far above the quality of any similar product offered anywhere else in the world. I know there will soon be a need for conversion to the metric system, but I hope the Government will bear in mind that we can, through our own efforts, go far towards solving the problem of dried fruit surpluses that we have in South Australia. Some surpluses are not great. Indeed, in some lines not enough fruit is available; for example, we cannot possibly supply the demand for dried apricots. In some other lines the amount available will permit only a pitiably small increase in consumption. I hope honourable members will give this Bill a speedy passage.

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

METROPOLITAN TAXI-CAB ACT AMENDMENT 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 provides for two substantial amendments to the principal Act. First, it is intended to reduce the number of members of the board from 12 to eight and, secondly, it is intended that the board will be clearly subject to the control of the Minister, the latter amendment being consistent with the considered policy of the Government that statutory bodies concerned with transport be under such control. I will now deal with the Bill in some detail.

Clauses 1 and 2 are formal. Clause 3 provides that until the "appointed day" the board shall consist of 12 members, comprised of the 12 members at present in office. After the appointed day the board shall consist of eight members, and this reduction is to be arrived at by reducing the local government representation from eight to four. The number of Adelaide City Council representatives will be reduced from four to two, and the number of representatives of other councils will be reduced from four to two. One representative of the "other councils" will be appointed on the nomination of the Local Government Association and the other representative will be appointed on the nomination of the Minister. The reason for this division of nominating power is that seven of the larger metropolitan councils are not members of the Local Government Association, and the power of nomination vested in the Minister will enable regard to be paid to their interests.

Clause 4 is an amendment consequential on the amendments proposed by clause 3. Clause 5 reduces the quorum from six to five members and is in recognition of the proposed decreased size of the board. It is also proposed that the Chairman or presiding member will have a casting vote as well as a deliberative vote. Clause 6 formally places the board under the control of the Minister. Clause 7 is a statute law revision amendment.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2 and 4 and Nos. 6 to 15 inclusive, but had disagreed to amendments Nos. 3 and 5 and Nos. 16 to 20.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 3 and 5 and Nos. 16 to 20.

All of the amendments to which the other place has disagreed deal with auditors for certain companies. The Government opposes those amendments. Last week, in opposing the amendments, I said that the Companies Act, 1934, which was repealed by the Companies Act, 1962, required all companies to appoint a registered auditor, and to submit their accounts for audit annually. In some of the other States, however, their repealed Acts did not require proprietary companies to appoint an auditor, with the result that, when the uniform Companies Bill was drafted in 1961-62, a compromise was reached whereby an exempt proprietary company was not required to appoint an auditor if all the members of the company so agreed at, or before, the annual meeting in each year. Experience has shown that the provisions relating to the granting of the exemption from the requirement to appoint an auditor have not operated satisfactorily. During the past 10 years many small companies have failed; in many cases it has been found that proper books of account have not been

kept and it has been impossible for the liquidator to determine the true financial position of the company. Creditors have suffered losses amounting to millions of dollars.

The Bill requires that every company, other than an exempt proprietary that is an unlimited company, shall appoint an auditor. (Unlimited companies are exempt by reason of the fact that all members of such companies are personally liable for all of the debts of the company, and creditors are not, therefore, in need of protection.) I think all honourable members are aware of the Government's reasons for opposing the amendments.

The Hon. F. J. POTTER: This matter was fully debated previously, and all honourable members know what was said regarding the audit of proprietary companies' accounts. It is interesting to note that the reason for disagreement to the amendments is that they remove a desirable protection, particularly for the creditors of companies. I have always understood that the primary function of an auditor is to protect not the creditors but the shareholders of a company, although today practices may have departed somewhat from those enumerated by textbook writers who used to write on auditing 20 years ago.

As I tried to explain during the second reading debate, the auditing of a proprietary company extends little protection to the creditors of that company. However, this matter could be debated at length without our getting any further. In rejecting these amendments, the House of Assembly wants to put the Statute passed in this State out of line with the Statutes passed in Victoria and New South Wales. In itself, that seems to be undesirable, apart from the merits or demerits of the argument one can advance on whether or not proprietary companies should be audited. The Committee should vote against the motion.

The Hon. Sir ARTHUR RYMILL: I agree with the Hon. Mr. Potter. I am surprised that the Government has not seen fit to accept these amendments, which are virtually the same as the provisions in the Victorian and New South Wales legislation. Why should this State's exempt proprietary companies need to have an audit that is not required in those two populous States? Although I do not want to make any innocuous comparisons, I do not think South Australia's standard in this respect is any lower than that in other States; perhaps the contrary is the case. Despite this, the Government intends to put our exempt proprietary companies to the substantial expense of having an audit that is not required in Victoria and New South Wales. I do not understand this.

The Hon. R. C. DeGARIS (Leader of the Opposition): I agree with the views expressed by the Hon. Mr. Potter and the Hon. Sir Arthur Rymill. It is somewhat incongruous that the Government is fighting strongly for uniformity with other States when the boot is usually on the other foot.

The Hon. A. J. Shard: The other States broke away from the agreement.

The Hon. R. C. DeGARIS: The history of uniformity regarding this Act is reasonable. In 1962, the Attorneys-General first examined this matter and, justifiably, produced uniform legislation throughout the Commonwealth. After the legislation had been made uniform throughout Australia, a recent conference of Attorneys-General was held and a large amending Bill recommended. Although that Bill was passed in the New South Wales Parliament, the Government accepted 73 Legislative Council amendments. Victoria followed with a similar Bill, and this Government also introduced a similar Bill. All this Council is doing is producing once more a uniform situation that can only be of benefit to the Australian business community. There are about 19,500 private proprietary companies in South Australia and, if each of these must have a compulsory audit, the position will be impracticable. Indeed, I do not think there would be sufficient auditors in South Australia to handle the situation, in any case.

I refer also to a matter which was raised by the Chief Secretary and which was referred to in the House of Assembly's reasons for disagreement. I refer to the protection of creditors, it having been stated that millions of dollars have been lost because of the failure of some private proprietary companies. However, the Act is to protect not creditors but shareholders. If one wants to protect creditors, there is no reason why one should not have an annual compulsory audit of everyone's personal affairs. Many more millions of dollars have been lost by the failure of individuals than by the failure of private proprietary companies. Nevertheless, the main argument rests on the matter of uniformity, which this Committee has agreed is necessary, especially as companies work over the whole of Australia. I cannot see any great advantage in our stepping out of line on this issue.

The Hon. C. M. HILL: This Committee's amendments were not designed to maintain the

status quo. All the exempt proprietary companies referred to by the Leader of the Opposition must lodge a formal annual return with the Companies Office, and that return does not involve a statement of the profit and loss accounts and balance sheets of the company involved. These amendments say, in effect, that if one does not want to appoint an auditor one must lodge one's final statements of account with the Companies Office. Therefore, we are not trying to maintain the position that has existed previously: we are going some of the way along the course that the Government was seeking.

The Hon. F. J. Potter: And that is a protection to creditors.

The Hon. C. M. HILL: Yes. The Companies Office has investigators on its staff and, as soon as a query arises at present, the investigators must start from scratch. However, in future, if these amendments are passed and if no auditor is appointed to the company, the investigator examines the annual return and sees the final accounts of the company, and at least that is the basis on which he must work. If he finds that they are false, a charge can be laid immediately. That is the point I stress.

We are not trying to hold the position in South Australia as it is at present. We are saying that exempt proprietary companies must change from previous practice. It means they will have either to appoint an auditor or to lodge final accounts. That is reasonable, because we all know that of this great number of proprietary companies many are very small private family companies with no outside trading or operations concerning the general public. In fact, they are private matters to some people. Whilst there is no need in many cases for an audit, by these amendments, these companies will have to make all their affairs public. The amendments we passed went far enough. They provide the safety the Government is seeking.

The Committee divided on the motion:

Ayes (5)—The Hons. D. H. L. Banfield, T. M. Casey, R. A. Geddes, A. F. Kneebone, and A. J. Shard (teller).

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

Majority of 8 for the Noes.

Motion thus negatived.

Later, the House of Assembly intimated that it did not insist on its disagreement to the Legislative Council's amendments Nos. 3 and 5 and Nos. 16 to 20.

ACTS REPUBLICATION 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 Acts Republication Act, 1967, authorizes the reprinting of the Acts of Parliament, as amended, in sets of bound volumes as well as in pamphlet form. About the time of the passing of that Act, the Government of the day entered into an arrangement with the Law Book Company Limited whereby the company agreed to collaborate with the Government Printer in editing, publishing and selling the Acts in sets of bound volumes, after employing as editor a person approved by the Government. At the same time the Government decided that it would be of tremendous value to the public, the legal profession and the courts if the opportunity was taken also to continue consolidating and reprinting the amended Acts in pamphlet form, thus resuming this service which had previously been undertaken by the late Mr. J. P. Cartledge as Draftsman in Charge of Consolidation and Reprints until the time of his retirement from the Public Service in 1965.

Section 5 of the Acts Republication Act, 1967, provides that no Act shall be reprinted under that Act unless it has been prepared for reprint by or under the supervision of the Commissioner. The expression "the Commissioner" is defined as meaning the person appointed by the Governor as, and for the time being holding or acting in the office of, Commissioner of Statute Revision. The present occupant of that office is Mr. E. A. Ludovici, Parliamentary Counsel. Since his appointment as Commissioner at the end of 1967, he has been working in that capacity out of office hours, bringing out the pamphlet copies of amended Acts, preparing and maintaining tables of amendments of amended Acts and keeping up to date, as master copies, all the amended Acts that have been reprinted. He has also, with the approval of the Government, been appointed by the Law Book Company Limited as editor of the new edition of Acts to be published in bound volumes.

Because of ill health Mr. Ludovici has to retire from the office of Parliamentary Counsel

and the office of Commissioner of Statute Revision. The purpose of this Bill is to extend the definition of the Commissioner to include a legal practitioner for the time being authorized in writing by the Attorney-General to supervise the preparation of Acts for reprint under the principal Act, thus maintaining continuity of this work by briefing it out, if necessary, after the retirement of Mr. Ludovici from the Public Service becomes effective.

The Hon. H. K. KEMP (Southern): This measure has been before us only a short time and I thank the Chief Secretary for his courtesy in distributing his second reading explanation to honourable members. I see no reason to delay this legislation. I think it is a classic case whereby a measure can be passed with little instruction but with the blessing of this Chamber.

It is a simple measure and one which cannot be other than helpful to people who wish to have the South Australian Acts put before them or made available to them in an easily understood and amended form. This will obviate the necessity of tracing back through a long list of amendments, which we have often had to do when certain Bills have come before us. I commend the Bill to honourable members.

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 23. Page 4192.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In opening the debate on this question last Thursday I briefly set out the history leading to the introduction of this Bill. If one examines the position in New South Wales and Victoria one cannot say that the extension of shopping hours there is an unqualified success. I think I must be perfectly frank, because the question of late night shopping has become a political issue. In looking at the results in New South Wales and Victoria one must have some doubts about the introduction of late night shopping and say at the same time that the other place has unanimously accepted the principle of late night shopping. The only real argument that can be conducted in this Chamber is, first, the question of the machinery under which late night shopping will operate.

To the best of our ability we must cater for all sections of the community and ensure that the best interests of the consuming public are served. Secondly, we must also ensure that the introduction of late night shopping will not be made at the expense of the shop assistants involved. Thirdly, the arrangements in the Bill should allow the various groups in the retail trade to adapt easily to the new trading situation (what I mean by that is that group which provides the service to the community), because one scheme might suit one section whereas it might not suit another section; this applies both to the employers and to the employees.

For example, in the retail section there are large departmental stores and chain stores, coming right down to the small store that sometimes caters for special requirements. However, the scheme that best fits all concerned is not necessarily the same scheme. At present, it is my feeling that the Bill should provide alternatives as the only reasonable way in which to satisfy all the groups involved. I do not know how this can be done or how the alternatives can be provided. I can think of several alternatives, but the information given to me several days ago by the employers, the trade union and the shop assistants themselves shows that, in different situations, each one possibly requires a slightly different system.

To introduce all these matters in relation to the organization of late night shopping may prove an extremely difficult problem to overcome so far as drafting is concerned. Nevertheless, I do not think we can overlook this approach to the problem. However, whether this is the approach that will finally be adopted in Committee will depend entirely on the practical problems I foresee in drafting. As I see the alternatives (and there may be others), I shall mention them as briefly as possible. First, there is the concept of a 40-hour 5-day week from 9 a.m. to 5.30 p.m. with closing at 9 p.m. on Friday; secondly, the roster scheme with a 5-day week and an 80-hour fortnight; and, thirdly, the Government's scheme, as in the Bill. These appear to be the three variations that I see available, although there may be others. Employers and employees in the various sections of the retail trade would choose one of these three schemes if given the opportunity. For example, in the small stores and the specialist shops the overwhelming number of both employers and employees, based on the letters I have received, favour the roster system. If that is so, why should they not operate under such a scheme? Indeed, it could be said that in relation to permanent staff the impact of

one scheme in one set of circumstances could have a detrimental effect, whilst the adoption of an alternative scheme could be beneficial to all concerned.

To put this view in a nutshell, the best solution appears to be a different scheme in each category of shop. If that is so, we must advance amendments to the Bill that will at least allow this to happen. I intend leaving that side of the situation, but I will be having more to say about it in the Committee stage. I am not quite sure at the moment exactly what amendment I will favour, but it will be an amendment along the lines I have indicated.

I turn now to the question of 12.30 p.m. Saturday closing, which the Bill stipulates. With Friday night shopping, this appears unnecessary. I know from the study I have made that the amount of business done between 11.30 a.m. and 12.30 p.m. is minimal, and therefore holding to 12.30 p.m. on Saturdays, with Friday night shopping, will add somewhat to the overhead costs involved, particularly bearing in mind the small volume of business transacted in that hour.

The second point, which is most important and which must be considered, is the strain placed on those shop assistants who are interested in sport participation, by finishing work at 12.30 p.m. and having to get to their sporting fixtures. I do not intend to add to this argument now, but to make it known to the Government that I am concerned about this point, in the hope that the Government may indicate its attitude to an amendment to bring about closing at 11.30 a.m. on Saturday mornings.

Every honourable member in this Chamber would appreciate that in the late stages of the session, as we are in now, it is almost impossible to research a situation in depth. One problem which I am sure will emerge (if not in this debate then at some subsequent time) is that in relation to meat sales. I have a very deep appreciation of the reasons why the butchers have strongly opposed late night closing. Looking at the hours a butcher works to get his shop ready for the trading period, one can see very clearly the reason behind the opposition. Over the years I have had many discussions with butchers. I have addressed their groups and listened to their points of view, which I thoroughly appreciate.

The Bill makes no variation to the trading position of the butcher, yet we must examine the consequences of late night trading in relation to all other goods with the exception of red meat. I stipulate that we are dealing with sales of red meat. Once again, due to the lateness in the session, the research I have done is not complete, nor can the conclusions I have reached be looked on as being an accurate prediction. However, what has been done indicates a rather disturbing situation. In one chain store in New South Wales, with the introduction of late night closing and the restriction on the sale of red meat existing there, sales of red meat dropped by almost 10 per cent. At the same time there was a consequent rise in the sale of chicken, tinned meats, and so on. Taking the figures from this one chain store (and I stipulate again that my research is not in depth in any way) the drop in sales of red meat of 10 per cent, transferred to South Australia, would mean a drop in the sale of red meat of about $1,500,000 a year. This must pose a future problem. I do not think any Government can permit this to happen in a primary producing State. The red meat trade, faced with this problem, may find a way out of it, perhaps by going into pre-packed frozen red meat which can, of course, be sold under the existing Act. Nevertheless, the figures are rather disturbing and I am certain that the cattle producers and the lamb producers, on seeing this trend, will provide a demand for the butchering trade to continue its operations until 9 p.m. on Fridays.

One cannot but see that the position of the butchering trade is anomalous, although I fully understand and appreciate their viewpoint. Nevertheless, there is a problem here that could be detrimental to the red meat producers in South Australia. On the other hand, a drop in red meat sales, that drop being taken by other meats, will have its own repercussions. The situation is rather unfair to the producers of one commodity in South Australia.

The next problem which has presented me with some difficulties concerns one of the alterations I spoke of earlier which would need to state the time of starting. The amendment would provide that it shall be 9 a.m. but the definition of "shop assistant" in the Industrial Code provides:

"shop assistant" means—

(a) a person engaged in or about a shop (whether remunerated or not)—

(i) in selling or supply, or assisting in the sale or supply, of goods to the public;

(ii) as a hairdresser;

(iii) as a clerk or a messenger;

(iv) in packing or dispatching goods;

or

(b) a person engaged in delivering goods from a shop:

A great many people covered by that definition will be starting work at their normal time, which is well before 9 a.m. Some of them, perhaps most, are covered by Commonwealth awards, but I can see a problem with the Bill stipulating a starting time of 9 a.m. This could have quite serious repercussions. I will listen with interest to the remarks of the Hon. Mr. Potter on this matter.

The other thing which I believe needs examination, and which is not included in the Bill but in the Act, is the question of late night closing and the exempt list. On looking through the Bill I see that no mention is made of the exempt list. Some people have asked about the policing of the exempt list in shops. I hope the Government will supply information on the question of the exempt list and on what the complaints are in connection with the policing of that list. A billiard table manufacturer who makes all types of billiard table and billiard equipment has built up an extensive business, but 90 per cent of that business is done on Saturday afternoons. It seems that he will be unable to continue that business, because billiard tables are not on the exempt list.

The Hon. A. F. Kneebone: He is not exempt now.

The Hon. R. C. DeGARIS: He has been told that he cannot continue selling billiard tables on Saturday afternoons. He points out that some other types of furniture can be sold on Saturday afternoons. I should like the Government to have a look at such matters and see whether such businesses can be covered. The subject-matter of this Bill has arisen politically, and our role in this Council must be to attempt to ensure that the three groups involved (the consuming public, the traders and the shop assistants) are found the best possible conditions in connection with the introduction of late-night closing. I support the second reading.

The Hon. L. R. HART (Midland): This question of shopping hours is not confined to South Australia alone; it faces Governments and industry leaders in every other State, and the views expressed in those States vary considerably. There is a trend nowadays to have unrestricted hours in many types of trading. We have been informed that legislation will shortly be introduced to extend trading hours under the Licensing Act. I do not believe that South Australia's population is large enough to sustain unrestricted trading hours; some form of restriction is necessary, particularly in the retail industry, but I believe that the trading hours we legislate for should suit most of the people concerned. When we legislate in connection with one section of the community we must not place other sections at a disadvantage.

I believe that shopping hours should be as flexible as possible. Under this Bill shops will be required to open at 8.30 a.m. and to close at 5.30 p.m. each weekday; that provides for a 40-hour week in five days. I believe that opening retail shops at 8.30 a.m. on weekdays is a complete waste of manpower. Any retailer will confirm that he does not do any worthwhile trading before about 9.20 a.m. So, the provision of 8.30 a.m. opening is only a means of fitting 40 hours of work into five days. The present opening time of 9.5 a.m. has been accepted by the community for a long time, and it causes no inconvenience. Further, there has been no demand for shops to open earlier. Therefore, if we are to legislate to suit most of the people involved, we must remember that there is no demand or desire to open shops at 8.30 a.m.

As a result of surveys I have conducted in localities I represent, I believe that what interests most shop assistants is "time off". Shop assistants can be divided into three categories—married male shop assistants, married female shop assistants, and unmarried shop assistants. The main demand for working overtime comes from the married male shop assistants; it certainly does not come from the married female shop assistants, who are interested in doing the job for five days and having time off to take care of their home and family. I believe that the unmarried group prefers time off, rather than long working hours. I wish to refer to a survey conducted in Melbourne. Of course, I realize that the conditions are slightly different there, but the views of Melbourne shoppers would be fairly similar to those of South Australian shoppers. A press report stated that any move to extend to late-night shopping would be popular, but any move to end Saturday morning shopping would be unpopular.

That is fairly clear. The report continued that this was the substance of findings from a pilot study conducted in June by Market Analysis (Australasia) Pty. Ltd. on the attitudes of people on shopping hours in Melbourne. The study further suggested that although many people favoured being able to purchase anything at almost any time, most were content

with a reasonable attempt to improve the *status quo.*

We must have some stability in trading hours in South Australia, and I believe this would be a logical conclusion regarding trading hours anywhere else. Until 1970, South Australia's trading hours remained stable and were accepted and, indeed, enjoyed by many people. However, the Labor Government saw fit to alter the *status quo* at that time. I recently discussed the matter of trading hours with a retailer in my district. He told me that, as a result of the alteration to shopping hours in 1970, he lost half his trade and that he had only just managed to recapture that trade. He then said, "For goodness sake do not change the hours again." I therefore say that there is a great need for trading hours to be stabilized, if we are to establish a form of trading that will stand the test of time.

The study to which I have referred was designed to look at the issue from the point of view of people with different shopping needs, of whom there are many. For example, the working wife needs different shopping hours from those required by a home-duties wife. In addition to this study of the wants and needs of consumers, further work will have to involve shop assistants, unions and retailers and their wants and needs.

It is important that these groups do not suffer in any way, particularly financially, as a result of an increase in shopping hours. Justification for the study rested on the 83 per cent of respondents who regarded the shopping hours issue as important in their every-day life; only 17 per cent dismissed the matter as being unimportant or not mattering. A total of 93 per cent of women working on a full-time basis regarded it as important, as against 87 per cent of women performing home duties who regarded it as important. Female workers working on a full-time basis shop mainly during the lunch hours and on Saturday mornings, and Thursdays and Fridays are their big lunch-time shopping occasion; 43 per cent of these people shop on Saturday mornings. Part-time female workers tend to spread their shopping over the whole day and all of the week, while 36 per cent of them shop on Saturday morning. Therefore, different categories of people shop at different times.

Throughout this survey there is an indication of a demand by shoppers to have alternative facilities available to them that will meet their needs. Many people are involved in this issue, which has become an emotional one. However, members of Parliament generally want to resolve it in a way that will be satisfactory to all sections of the community, be they shoppers, shop assistants or retailers. There is a trend amongst politicians to regard the customer as the most important of that group, there being more shoppers than shop assistants or retailers. Perhaps this is reasonable, because it tends to become a majority requirement. However, in considering the shopper, one must also consider the effects on the shopper of any alteration in trading hours.

Well-founded fears have been expressed that alterations to shopping hours on the lines suggested by the Government will result in an increased cost of commodities. However, unless one is in the industry, one cannot accurately estimate what those increases will be. In this respect, we must accept the word of those involved in the industry who are experts on this matter.

The Hon. D. H. L. Banfield: But they will all come up with a different figure.

The Hon. L. R. HART: That could well be so. It depends in which area one is interested or in which one takes the survey. There are retail drapers, grocers, and other forms of retailer. True, there will be some variation in the extra cost involved, merely because of the different complexities of the industry. In the main, however, it will be about a general figure.

The Hon. D. H. L. Banfield: What is the figure?

The Hon. L. R. HART: Can the honourable member prove to me (and he will no doubt have an opportunity to do so) that there will not be an increase in costs? I assume that is what he is trying to say.

The Hon. D. H. L. Banfield: I am asking you for the figure.

The Hon. L. R. HART: I am saying that I am willing to accept the figures presented by those in the industry who have some knowledge of the workings of their industry.

The Hon. D. H. L. Banfield: Will you tell me what those figures are?

The Hon. L. R. HART: The honourable member can read the figures, because they have been published recently.

The Hon. D. H. L. Banfield: I have never known you to be so embarrassed.

The Hon. L. R. HART: It is not for me to give the honourable member a lesson in arithmetic.

The Hon. M. B. Dawkins: I'm sure he can read.

The Hon. L. R. HART: I am sure he can read, too, because he is an intelligent person.

The Hon. D. H. L. Banfield: Thank you very much. That gives me an advantage over you.

The Hon. L. R. HART: The honourable member will be able to give the Council his views on the increased costs that will be incurred if the Government's proposal is accepted. Much pressure has been exerted by various groups in the industry regarding this matter. I was informed last week that a deputation led by the member for Playford, and representing the people of Elizabeth and Salisbury, would wait on me and other honourable members of Midland District. The member for Playford sent out 38 telegrams to councillors of the Salisbury, Elizabeth and, possibly, Munno Para councils. I assume that some of those telegrams were sent to persons other than councillors. We were told that he would lead a deputation to us, representing those councils. I understand that the members of these councils considered these questions and decided it was not an issue on which each council was competent to direct its members but, if any members of the council concerned liked to join personally in a deputation led by Mr. McRae to members of the Midland District, they were at liberty to do so; but what happened? There was no deputation; no councillor from these areas came to support Mr. McRae in his advocacy of extended shopping hours.

The Hon. D. H. L. Banfield: This is a different story from what it was 12 months ago.

The Hon. L. R. HART: Mr. McRae saw fit to denigrate the Mayor of Salisbury and the Mayor of Elizabeth. It is interesting to investigate the situation, particularly with regard to the Elizabeth corporation. I have before me a screed prepared by the Town Clerk of Elizabeth, in which he says:

I had a telephone call this afternoon at approximately 3 p.m. from the member for Playford, Mr. T. M. McRae. Mr. McRae stated that he had sent telegrams to individual members of the council—

I emphasize those words "to individual members of the council—

inviting their attendance at Parliament House in connection with the debate on the Friday night shopping issue. One councillor had made the point to him that there was some complication about his attendance because in the normal course of events an invitation to council members as a council would come through the Mayor or Town Clerk and be discussed at a council meeting. Mr. McRae said that to cover this particular point he would appreciate it if I could inform council members at the meetings being held this evening that he would appreciate a delegation of three or four members of this council meeting him at Parliament House tomorrow, March 22, at 3 p.m., and accompanying him to meet members of the Legislative Council. He explained that, whilst the shopping hours issue would be debated in the Assembly today, the Government had the numbers to carry the Bill in its present form through the Assembly and the need was for people to express their support of the proposal to reopen shops on Friday night to Legislative Councillors because the Council would probably be debating the issue tomorrow or some time soon thereafter. Mr. McRae said that he had intended to send telegrams to all members of the Elizabeth and Salisbury councils but inadvertently through a mistake in his office one had not been sent to the Mayor of Elizabeth, a fact which he regretted and for which he asked me to express his apologies to the Mayor.

That was at 3 p.m. on the Tuesday, and the deputation was supposed to be at 3 p.m. on Wednesday. He continues:

I informed Mr. McRae that I would give the council notice of his request.

The Mayor of Elizabeth did not receive a telegram. The other councillors received their telegrams over a week prior to March 21 but the Mayor of Elizabeth did not receive one at all. Yet, on the following day, the member for Playford, Mr. McRae, saw fit publicly to denigrate the Mayor of Elizabeth for not attending the deputation.

The Hon. D. H. L. Banfield: But you said that the deputation did not take place.

The Hon. L. R. HART: He was never invited; he received no telegram. Mr. McRae apologized for not sending one.

The Hon. M. B. Dawkins: He must have had an ulterior motive.

The Hon. L. R. HART: I do not know what his motives were. I have the greatest respect for Mr. McRae, his ability and his integrity. He must have been emotionally disturbed to make the accusations he did. I regret that he did this, because I have a close association with him. I must admit that I was surprised at what occurred.

Now that I have made my comments on the Bill in general, I think we must arrive at a situation in which we endeavour not to increase the costs to the purchasers of the goods that the vendors supply. We must meet the wishes of the shop assistants, who, in most instances, are more interested in time off than anything else; we must also meet the wishes of the traders themselves, the people required to provide the services, the hours of which are laid down in this Bill. There are many ways in

which we can do this. We can leave the situation as it is, which would suit many people, but the Government and even some members of the Opposition seem to favour Friday evening shopping. If we are to have Friday evening shopping, is there any great crime in having a 40-hour week, beginning at 9 o'clock on Monday morning and ending at 9 o'clock on Friday evening?

I know there will be a hue and cry that we are asking shop assistants to work this extra evening, but at present they are working over a 40-hour week by working on Saturday mornings: and they are getting very little extra pay for working that extra time. The important thing to the shop assistants is continuity of working hours. If we gave them the choice, they would prefer to work on Friday evenings instead of Saturday mornings. That is fairly logical because there is a lack of continuity, the loss of leisure time on Saturday mornings, and the extra cost in fares in getting to and from work on Saturday mornings. So, perhaps a more satisfactory method would be to have trading hours for a 40-hour week, from 9 o'clock Monday morning to 9 o'clock Friday evening. In that case, any work done on a Saturday morning would obviously have to be at overtime rates. I have no objection to overtime on Saturday mornings in those circumstances.

An alternative would be to operate the roster system which has been promoted by other speakers and which has the blessing, I believe, of the retail traders, in the main. The roster system has much to commend it. I shall not go into its merits, some of which were examined by the Hon. Mr. DeGaris, but it has something to commend it in other ways. There is the problem of getting people to and from work. Under a roster system, perhaps the transport problem would be alleviated somewhat. People in offices could work at certain hours and shop assistants could work at different hours, which would help to relieve our transport system. We could also meet the wishes of those shop assistants keen on having time off, and also, importantly, we would be introducing a system that would not to any great extent increase the cost of living.

Another aspect of the matter is that under this Bill a 40-hour 5-day week will be worked until 5.30 p.m. on Friday, after which any hours worked will be compulsory overtime. That will mean not only that the retailer will have to pay overtime to his employees but also that the employees will be required to work overtime not only on Saturday mornings, as at present, but also on Friday evenings. That is the issue worrying many of these people, because if the retailer must pay overtime to his employees for working Friday nights and Saturday mornings he will look at another alternative. I believe that many retailers will employ casual labour during these hours, but the use of casual labour will mean that the shop assistant will have lost the opportunity of getting overtime.

The Hon. D. H. L. Banfield: Are you saying that that's a bad thing or that you don't want overtime? What exactly do you want?

The Hon. L. R. HART: I thought the honourable member had followed me more closely. I said that I was not against extended shopping hours, provided that such increase did not increase costs unduly. The honourable member must admit that, if overtime is paid on Friday night and Saturday morning, there must be an extra cost. To avoid this extra cost the retailer may be attracted to the system of employing casual labour, and I do not think that this is a good idea.

The Hon. A. F. Kneebone: But he pays a casual more than he pays an ordinary worker working ordinary time. You would know that if you knew anything about industrial conditions.

The Hon. L. R. HART: I am not very conversant on that point, I admit. However, if that is the case why is it suggested that this situation may occur? The retailer knows these things, and he would not be interested in employing casual labour if it would cost him more.

The Hon. D. H. L. Banfield: He employs casuals now.

The Hon. L. R. HART: In this type of legislation we must all work for the common good and in the best interests of the majority of the people affected. I believe that, if we set ourselves this task, we can attain this end. We will have the opportunity to study the legislation in Committee. As the Hon. Mr. DeGaris said, this legislation cannot be researched easily because it is so widespread, but, with more time at our disposal, perhaps we can make further contributions to the debate. I support the second reading.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the second reading. I could not follow the Hon. Mr. Hart very closely, because he was not very convincing. I think that he is not too happy about the position because of the attitude that existed about 12 months ago. He now finds himself on the other side of the fence. In his second reading

explanation the Minister said that this Government had attempted to get agreement among the people concerned in this matter, namely, the employers, the employees and the union. Unfortunately, agreement could not be reached; in fact, the employers could not agree among themselves on what they wanted and how they would overcome the problem, so it was left to the Government to introduce this Bill.

As has been pointed out by the Hon. Mr. DeGaris and the Hon. Mr. Hart, the parties still have not reached agreement. The employers have not even reached agreement among themselves, so how can they tell us what they want when they do not know what they want? As the parties have failed to reach agreement, the Government has had to introduce a measure that it believes is fair and just to all parties concerned. We are concerned with the traders: we know that they must make a few bob! We are concerned with the employees, who we know should not be exploited. This is one of our main concerns. If people demand Friday night shopping obviously they realize that, if it is necessary to pay extra, it is up to them to pay the extra.

However, in the main we must protect the employee in this matter. Why should a certain section of employees be penalized because certain people want a picnic or carnival evening in the city on a Friday night, which involves the employees in staying behind the counter and not receiving extra pay. Not everyone who comes to town on Friday night comes to shop. The question of extended trading hours raises some very important issues for the Government, the retail industry (both employers and employees) and the community in general.

As I have said, agreement among the parties could not be reached because there was no simple solution to the problem. This point was backed up by the Hon. Mr. DeGaris this afternoon, who agreed that difficulties existed. There are at least four classes of shop all having their definite needs and requirements, and all of these will have to adjust themselves to whatever final decision is made. We know that any shop will be able to adjust itself to the conditions prevailing. Whenever there is an application before the court the shopkeepers say, "This is impossible to implement. We would not be able to work under these conditions." Yet if a court grants an improvement in conditions, they have no problem in adjusting to the conditions. I suggest that the shopkeepers will have no real problem when this Bill becomes law.

The Hon. L. R. Hart: Do you suggest there will be an increase in costs?

The Hon. D. H. L. BANFIELD: I did not suggest that. I am glad that the honourable member raised that matter. What was the position at Elizabeth when it had Friday night shopping? The shops were closed there, but was there any reduction in the price of articles because the shops were closed? If there was no reduction in the price of goods when the shops were not working overtime, why should there be any appreciable increase in cost when they open Friday nights? If they could do that for years, they could do it again without an added cost to the public.

The Hon. L. R. Hart: The point is that they lost some of the trade. If you lose trade you can't reduce costs, can you?

The Hon. D. H. L. BANFIELD: So the position is that they lost some of the trade, but where did the trade go if it did not go to Elizabeth? The honourable member cannot tell me that any person in Elizabeth put away more money and did not purchase things he needed simply because the shops closed on Friday night. Business at Elizabeth increased considerably on Saturday morning and on Monday, so there was no difference in the trade. Employers will admit that there was no reduction in turnover; in fact, they will say that there was an increase in turnover in the Elizabeth area. That argument cannot be sustained. The honourable member cannot have it both ways.

The Hon. L. R. Hart: They did not tell me that.

The Hon. D. H. L. BANFIELD: Of course not, because the honourable member would not take any notice. The prices at Elizabeth were the same as those elsewhere. The advertisements in the paper said that these prices were available at Rundle Street, Elizabeth, Marion and Arndale. The Elizabeth shops opened on Friday night and there was no difference in prices, so where do additional costs come in? The Hon. Mr. Hart is not conversant with the facts; if he were, he would know that the prices were not reduced as a result of the closing of shops on Friday night.

True, the Government conducted a referendum on this question, and the first one to rock the boat after the referendum result was put into effect was the deposed Leader of the Opposition in another place. Subsequently he was backed up by his Party, which brought in as a plank of its platform to put forward to the people at the

next election that there should be an open slather for shops. The honourable member would like to thrash the Government for introducing this Bill, but he is in a cleft stick because his own deposed Leader and his own Party decided that there would be Friday night shopping. This is where the pressure is coming from—probably more so than from the individual shopper. This statement is also backed up by a little booklet, which was authorized unanimously by the Council of the Retail Storekeepers Association of South Australia, dated February 16, and which under the heading "Political" states:

The prime cause of the present political situation lies squarely in the lap of Mr. Steele Hall, Leader of the Opposition, who started by originally advocating open slather trading in the forlorn hope that this would swing five marginal seats and return his Party to power.

Of course, we have politics in this, but who introduced politics? It was the deposed Leader of the Opposition in another place, backed up by his own Party.

On the political side, we can also recall a public meeting held just over a year ago, called by the Mayor for Elizabeth. This is the reverse of what happened recently, when the Mayor of Elizabeth did not receive an invitation to a deputation but other councillors did, although none of them turned up. The Mayor of Elizabeth called a meeting about a year ago when the Government was putting into effect the results of the referendum. It is significant that the person who was Mayor at that time was also a Liberal and Country League candidate for election to Parliament, and I believe he is still seeking that position. He invited local Australian Labor Party members to attend the meeting, and it was to their credit that they attended. They received a fairly warm and politically-inspired reception. It is significant that the Liberal and Country League members for Midland in the Legislative Council, who have had so much to say this afternoon, were not paraded at that meeting, which was nothing but a parade of members of Parliament.

Perhaps the Hon. Mr. Dawkins could be excused; he might not have received permission from the Hon. Mr. Cameron to attend that meeting. Perhaps the Hon. Mr. Story had to attend a meeting of the Grand Rams, so he could be excused. I do not know the reasons but those members were not at the meeting. The Hon. Mr. Russack was a newcomer and did not want to rock the boat. He had another engagement. The Hon. Mr. Hart could not face the ordeal. Whatever the excuse, those members were not paraded, yet they say that politics has come into the question. Of course, that is so.

Because the Government finds strong support for Friday night shopping, and because it is giving Friday night shopping to the people, a different story is now coming from the Elizabeth Town Centre Traders Association, the group of which Mr. Duffield, the Mayor of Elizabeth, was a member at the time of the meeting I have mentioned. I received a letter dated March 21, delivered by messenger at a cost of 57c to make sure I got the present views of members of the association. This is what they are now saying:

The Committee of the above association has recently conducted a questionnaire on the proposed alteration to shopping hours, possibly allowing for some form of extension to the present shopping hours. Despite the fact that this shopping centre was probably the most popular when Elizabeth was outside the metropolitan area and all shops in this centre did open until 9 o'clock on Friday nights, the traders in the area have shown themselves to be strongly in favour of shopping hours staying as they are. The results of the survey are outlined below:

1. Trade 9.5 a.m.-5.30 p.m. Monday-Friday
   9.5 a.m.-12 noon Saturday
   or 8.35 a.m.-11.30 a.m. Saturday
   32 votes
2. Trade 9.5 a.m.-5.30 p.m. Monday-Thursday
   9.5 a.m.-9 p.m. Friday
   No Saturday 6 votes
3. Trade 9.5 a.m.-5.30 p.m. Monday-Thursday
   9.5 a.m.-9 p.m. Friday
   9.5 a.m.-12 noon Saturday
   3 votes
4. Trade 9 a.m.-6 p.m. Monday-Friday
   No Saturday 4 votes

From this you can see that there is an overwhelming vote in favour of retaining shopping hours as they are. When Elizabeth and its environs were included in the greater metropolitan area, there was hardly a trader who did not have misgivings and fears as to the effect that it would have on trade in the area. This has not been so; the opinion can clearly be seen by the very fact that only three out of 45 shops are in favour of Friday night trading, as well as Saturday morning. Indeed, there is a strong minority in favour of no Saturday shopping.

This gives the lie to what the Hon. Mr. Hart said today, that they had lost a certain amount of trade. They are now quite satisfied.

The Hon. M. B. Dawkins: Have you spent a lot of time up there investigating?

The Hon. D. H. L. BANFIELD: Perhaps this is not regarded as a responsible body. It is obvious that the association was regarded as a very responsible body 12 months ago,

but today the members for Midland disown it. We do not know why, but the Hon. Mr. Dawkins now wants to disown the body because it has come up with a different point of view. The letter continues:

It is felt by all concerned that the shopper of today is more organized, he uses a list to ensure that his wants are satisfied, he shops earlier in the week, thus spreading the load. There might be a few shift workers who may be inconvenienced, very few, and it is up to them because they work unusual hours, also to organize themselves. In an age when very few people in standard positions work on a Saturday morning, indeed most workers are finished by 5 p.m. each day, it is becoming increasingly difficult to obtain the right staff, particularly male, the temptation of more relaxation time being too much, the effect of having to work extra time and odd hours must have repercussions on the retail industry, particularly as the proposed law influences every shop in South Australia, not just a chosen few. It is hoped that this letter will be read and studied, because it is felt that the members of this association have had the experience of Friday night opening and have voted strongly against it. At a time when a 35-hour week is being sought by various bodies, to force extended hours on a branch of the community is unreal.

This is what the Hon. Mr. McRae was referring to.

The Hon. M. B. Dawkins: Has he taken a step up?

The Hon. D. H. L. BANFIELD: He will be an honourable member in his own right. He is now an honourable member of the community. This is what Mr. McRae was referring to when he complained of the actions of the Mayor of Elizabeth. While the Mayor was so active in parading him on the platform 12 months ago, Mr. McRae was not even shown the courtesy of being told of the different views of this trading association. That is why he went to town about the Mayor of Elizabeth—not because he did not attend a deputation which did not take place and to which he did not receive an invitation, but because he was not told of the different views of the association when the views it had at that time were foisted on him and on other members from the area 12 months ago. Take that back to Mr. Duffield, and tell him that those are also my sentiments.

However, I did not get political when I replied to his letter. I thought it was above politics. I quote from my reply, which was addressed to Mr. Churchman, the President, as follows:

I thank you for your correspondence dated March 21 and for the information contained therein.

Your present views show a complete reversal of opinion, as expressed just over 12 months ago, and which in the main is the cause of the controversy today.

In view of the changed attitude of your association I am indeed disappointed with your reluctance to advise the House of Assembly members for the district of your present view and this indicates to me that your members are merely involving themselves in a political situation.

Your last paragraph appears to support the concept of a 35-hour week and I look forward to achieve support from your association to bring this about.

I honestly believe that, when your members were in a position to embarrass the members of Parliament for the district for the benefit of the Liberal Party, they took full advantage of the situation.

The Hon. T. M. Casey: Which Liberal Party?

The Hon. D. H. L. BANFIELD: I do not know. They are 50/50 in that area at the moment, according to the latest Gallup poll. The letter continues:

Now that your members are in a position to assist their original cause and they find the Labor Party supporting that cause, you are now prepared to change your views in a further attempt at political embarrassment. Because of these reasons, one must hesitate before giving full support to your request.

Had I become political in replying to this letter, there is no saying what I might have said. The Bill provides for a 40-hour week from Monday to Friday, with ordinary working hours ceasing at 5.30 p.m. on Friday. The current award provides that work after 5.30 p.m. on Fridays shall be paid for at time-and-a-half rates. The award provides that any employee required to work for more than eight hours a day must be paid overtime.

Employers have no hesitation in applying for late-night closing at Christmas time and in paying overtime then. Surely it is reasonable that shop assistants should expect conditions equal to those enjoyed in comparable industries. More than 85 per cent of industries have a five-day working week of 40 hours, finishing at about 5 p.m. daily.

It has been suggested that retail stores are a service industry, like the Public Service, banking, dental services, etc. Further, it has been suggested that shop assistants should be treated as people in essential industries, but I cannot agree with those viewpoints. However, I point out that people in Elizabeth have been able to make provision for their shopping. So, an open slather is not called for.

Retail stores do not include Saturday afternoons and Sundays in their normal trading week; so, surely the community can be adequately catered for within the present trading hours. Any move to extend trading hours must of necessity increase prices. The question then arises: if there are to be price increases, who shall bear them—the retailers, the shop assistants, or the community at large? The retailers have a responsibility to provide services at the cheapest possible cost, commensurate with profitability, and the public must expect to pay for increased services. Therefore, there is a responsibility by employers to absorb costs wherever possible and by the public to accept necessary cost increases.

Shop assistants, like all other employees, should not be expected to put up with wages and conditions that would not be tolerated in industry at large. If employees in industry generally are expected to work beyond their normal hours they get adequate overtime, and so they should. Similarly, the community should accept that shop assistants will get overtime rates. Much has been said about negotiations between the Shop Assistants Union and the Retail Traders Association and the alleged refusal of that union to accept a two-week roster system; that is not the case. At no time has the R.T.A. submitted a two-week roster system for acceptance or rejection by the industry as a whole, because that association's members could not agree among themselves.

The union has said that it accepts the principle of a 5-day 40-hour week from Monday to Friday, with appropriate penalty rates for work done outside those times. Industry is actively pursuing a campaign for a reduction in the working week. Should shop assistants have to work extra hours a week over the total structure of hours, with time off in lieu of overtime? The system of rostered time off is simply another way of providing that employees will work overtime but will receive time off when business is slack; that is unacceptable. Why should shop assistants be at the beck and call of the traders? They have been giving good service for years, and they will continue to do so, provided they are treated like human beings.

The Hon. L. R. Hart: Why alter the system?

The Hon. D. H. L. BANFIELD: Liberal members are talking about an open slather. If ever the Liberals introduced an open slather, they would do nothing more than that: they would not give one benefit to the employees.

Much has been said about a ballot conducted in a retail store; the Hon. Mr. DeGaris and the Hon. Mr. Hart referred to this matter. Prior to his seeking an expression of opinion from his employees, the General Manager of the store threatened them with wholesale dismissal. I wish to refer to the 20-minute address given to the meeting of employees by Mr. B. Glowrey. In the *News* of March 10 Mr. Glowrey is reported as saying that:

> The retailers were "a damned sight more interested" than the unions in the welfare of shop assistants.

The report in the *News* continued:

> Mr. Glowrey drew loud applause when he said: "Why the hell haven't the unions tried to find out what the shop assistants think?"

For years the shop assistants have been telling the unions what they think: they have been saying that they want a 5-day 40-hour week. There have been more than 100 applications to the court to get a five-day week, and who has opposed them? None other than the R.T.A.—none other than the group of which Mr. Glowrey is a member, yet he has the audacity to say, "Why the hell haven't the unions tried to find out what the shop assistants think?"! Further, Mr. Glowrey is reported as saying:

> "I strongly believe that the reason Mr. Goldsworthy (the Shop Assistants Union State Secretary) is not running a ballot is that he knows full well that it will put him in a corner."

Let us look at the sort of corner that Mr. Glowrey put himself in. He said that, if the employees came up with the wrong answer, 200 of them would be dismissed. Yet Mr. Glowrey says that he is not trying to influence the employees! If he had made it clear which employees would be included in the 200 to be dismissed, only those 200 employees would have voted in favour of the roster system. Why would 200 employees have to be sacked simply because of this? Are the stores not going to sell their goods? He continued:

> We want all of you to be sure it is the general opinion as far as the whole staff is concerned.

However, in addition to that, he said that 200 employees would have to be retrenched. What would have been the position had he told the employees that by working overtime the rate for a male employee would be increased by $12.42 a week and for a 16-year-old female employee by $4.64 a week? That would have been a different story. However, because he said merely that 200 would be sacked, he obtained what was for him a favourable result. One can only assume that the employer was

attempting unfairly to influence the opinion of his employees so as to obtain a satisfactory result not for the employees but for himself.

The Hon. L. R. Hart: Who wrote that for you?

The Hon. D. H. L. BANFIELD: The Hon. Mr. Dawkins gave me a bit of a hand this afternoon—

The Hon. M. B. Dawkins: That will be the day.

The Hon. D. H. L. BANFIELD: —and the Hon. Mr. DeGaris gave me a hand. If the Hon. Mr. Hart wants to add a few lines, I am willing to put over his propaganda for him. Someone wrote his speech, which was a bad one. Obviously, the Liberal Party's public relations officer was not about this week, as a result of which the honourable member could not come up with his usual flowery speech, which is possibly written for him. The employees concerned were given to understand that all they had to consider was a two-week roster. No reference was made to the fact that a number of conditions were attached to the two-week roster, apart from the fact that it was to apply only to large departmental stores. The first condition was as follows:

Each working week to be of five days, and the hours worked in any two consecutive weeks not to exceed 80 in ordinary time, with the weekly pay to be a constant amount.

Therefore, if one worked 42 hours one week and 38 hours the next, overtime would be cut out. Hours worked on Friday nights and Saturday mornings would have to be included in the 40 hours. The second condition was:

A loading of 25 per cent to be paid for hours worked in ordinary time after 5.30 p.m. on Fridays, the existing award loading and allowances for Saturday mornings becoming no longer relevant with the introduction of a five-day working week.

That is not a bad point. At present, shop assistants receive time and a half for any work done after 5.30 p.m. Friday. However, the retailers were willing to come up with a measly 25 per cent loading.

The Hon. L. R. Hart: That is only on exempted goods.

The Hon. D. H. L. BANFIELD: The honourable member should not be ridiculous; this is the present award rate. If shops in Rundle Street open on Friday nights for Christmas shopping, the employees receive time and a half, and for any Friday evening work they also receive time and a half. Under this roster system, any time worked after 5.30 p.m. on Friday will attract the magnificent 25 per cent loading! Shop assistants will also receive a loading for Saturday morning work, and under clause 2 a loading of 25 per cent will be paid for hours worked in ordinary time after 5.30 p.m. on Friday. Therefore, the allowance for Saturday morning work will no longer be relevant. The Hon. Mr. DeGaris referred to shop assistants wanting to go to sporting fixtures, the same as everyone else does. However, they are to be inconvenienced by having to work on Saturday mornings and, indeed, their present loading is to be removed.

The Hon. R. C. DeGaris: Do you think you are quite right?

The Hon. D. H. L. BANFIELD: These are the conditions that were submitted to the Shop Assistants Union. Clause 2 provides that a loading of 25 per cent will be paid—

The Hon. R. C. DeGaris: I think you are quoting the wrong document. I have not seen it.

The Hon. D. H. L. BANFIELD: How can the honourable member say I am reading the wrong document if he has not seen it?

The Hon. R. C. DeGaris: Is it amended?

The Hon. D. H. L. BANFIELD: Of course it is amended, and it will be amended even further. The third condition provides:

Staff would not be required to do so, but could work in overtime on scheduled free days or free Saturday mornings, by mutual agreement.

What does that mean? On the one hand the employers say that they cannot afford to pay overtime, and on the other hand say that it will be paid if the shop assistants so desire. Condition 4 provides as follows:

Wherever a rostered day off fell on a public holiday, an additional day would be given or added to annual leave.

Why should the employees have to wait a further 12 months before they can obtain payment for the day off to which they are entitled? The employers want to pay for the employees' services only when their annual leave is due. Condition 5 provides:

There being several sections of the retail industry with staffing needs differing from each other, such as departmental stores, food supermarts and small shops, alternative rosters to suit their needs to be discussed.

It is stated that these needs are going to be discussed, but does this refer to the needs of the employees, the employers or the community? The only need about which the employers know is that of profitability, and that is what would have to be discussed. The sixth condition provides:

The present award provisions of a minimum period of 20 hours employment for part-time

employees under a weekly contract of hiring to be removed.

The eighth condition provides:

Awards to be varied to provide that hours to be worked in ordinary time may commence at 8 a.m.

The Hon. Mr. Hart has told honourable members the sad story that shop assistants may be required to commence work at 8.30 a.m. That is one of the conditions that the R.T.A. submitted. Whose side is the honourable member on? A completely different result would have occurred if a ballot had been taken independently, outside of the employer organization, and if both sides had been given an opportunity to place the facts as they saw them before employees in that store.

Members of this Council and of another place have received many telephone calls and letters claiming to support the roster scheme or, put in another way, the retailers' proposals. It is interesting to note that when many of these people were asked what the retailers' proposal was or what the roster meant, they replied that they were not sure but that they supported it because 200 employees would be sacked. It is ludicrous for honourable members to imagine for one moment that any person would conscientiously and willingly reject a proposal that could cost an adult senior male $12.42 and a junior female of 16 years of age $4.64 each week, because that is exactly how much money is involved in the alternative schemes.

If an adult male shop assistant concluded his 40 hours at 5.30 p.m. on Friday and worked on both Friday night and Saturday morning at overtime rates, he would receive a weekly increase of $12.42, giving him a take-home pay of $67.62 a week. He at present receives $55.20 a week. The retailers say they are out to do the best for their employees, yet each time the employees go to the court for an increase their application is opposed. As a result, the adult male shop assistant gets only $55 a week and he is expected to exist on that and to dress himself reasonably well because in his job he is dealing with the public. People in another place can work without their coats on (we know what their rates of pay are) but the shop assistant is entitled to only $55 a week, and he has to work week in week out on that rate.

If the same shop assistant worked only on Friday night or, alternatively, on Saturday (for which the legislation provides), he would receive an increase of $6.21 on the ordinary weekly rate, excluding the Saturday penalty. In those circumstances, he would have a take-home pay of $61.41. In respect of a 16-year-old female who worked only on Friday evening or Saturday morning (as the legislation provides), her take-home pay in those circumstances would be $22.97. The objection to the roster scheme is that employees will, in fact, be required to work on the Friday night and on the Saturday morning without an increase at all in the take-home pay. It is not unnatural for the employees in the retail trade, surely, to say that if they have a requirement to work longer hours there should be a commensurate increase in salary.

Let us analyse the alleged threat by a large department store to sack 200 employees immediately if the Government suggestion is implemented: 200 full-time employees would work a total of 416,000 hours a year. Let us assume also that for Friday night and Saturday morning work 200 casuals would be engaged for this work for six hours a week. This would amount to 62,400 hours a year, or a net saving to that company of 353,600 working hours a year. Assuming all were adult male employees at the rate of $1.38 an hour, the saving by the company would be $475,052, which would go into the profit of that company and be a return to its shareholders. The company says that costs will rise but it can put nearly an extra $500,000 into the pockets of the shareholders.

In a recent publication of the *Australian Stock Exchange Journal,* Volume 1, No. 1, references were made to the need by retail employers to curtail their wages costs in order to remain competitive within the retail field and it was admitted that ways and means were already being explored further to develop and extend the principle of the self-service operation within the service store. Are they thinking about their employees in those circumstances? Of course not. They are thinking about how they can reduce their wages bill and increase their profits, and the 200 employees can be dismissed at any time under the new system. The natural progression of such a move must, of its very nature, reduce the number of employees required to service a given number of customers in the conventional service store. So, here we have an admission by retailers, in effect, that irrespective of this Government's legislation and irrespective of whether such extended hours are introduced within the concept of ordinary time or in the concept of overtime they will be investigating these avenues further to reduce

employees currently engaged in the retail industry. Were these things put to the employees at the time that the roster system was explained? Of course not.

The whole concept of offsetting wages against costs and unproductive costs against productive hours begs the question. The question basically is that the percentage of sales should be fairly and equitably distributed to employees within the retail industry that makes such profits possible. Every action, every campaign, every decision, whether it be by Government or by the Industrial Commission, which changes the wages or conditions of employees in the retail industry has this same effect. It is well-known that retailers attempt to curtail their salaries at a set percentage of turnover. For example, a variety store would approximate 15.5 per cent, supermarkets 7.5 per cent, K Marts 10 per cent to 12 per cent, and it is not difficult for one in this Council to concede that, whatever adjustments are made from time to time, employers will seek to change their pattern of business and their percentage of staff in order to try to reduce that percentage of turnover, which they say is critical to their percentage of profitability. So, of whom are they thinking? Are they thinking of the retailer or are they thinking of the employee? If they are thinking of the employee, why do they attempt either to reduce his wages or to get the courts to argue against the employee's claims?

Earlier in my remarks I pointed out that the effect of overtime on both parties would amount to a $12.42 a week increase for adult males and $4.64 for a 16-year-old female. I suggest that, if employees had been asked that question, "Do you, in fact, want a wage increase from $12.42 down to $4.64?" the answer would have been overwhelmingly in favour of a pay rise, particularly in view of the current level of wages in the retail industry which, to say the least, is not generous. The manager at Myers would not disagree with that, but he did not think to put that point. It has been suggested by some employers that they are attempting to represent the interests of employees. How can they justify that remark with their campaigns and by their opposition to any move by the trade union movement to improve the wages and conditions of the retail employees in the industry? One does not expect them to be the guardians of the welfare of their employees, because their principal responsibility is to the shareholders and we know that the interests of the shareholder and of the employee are diametrically opposed. No wonder we get this opposition at times to any advantage for the employee.

The Shop Assistants Union has held a series of meetings where the question of the policy of the union has been thoroughly tested. On October 28, 1971, at the Woodville Town Hall, 1,800 shop assistants unanimously opposed the reintroduction of Friday night shopping and demanded a 5-day 40-hour week, Monday to Friday, with no rosters. On November 3, 1971, at the A.G.W.A.. Hall, 150 shop assistants met at the monthly meeting and carried the following motions:

(1) That the Government be asked to receive a deputation from the union in order to further press our policy of no extension of trading hours, and this union demands a five-day week, Monday to Friday, 8.30 a.m. to 5.30 p.m. with no Saturday trading. Friday night shopping, if introduced, shall be the only shopping night and work shall be paid for at overtime rates.

(2) That this union request a joint industry conference consisting of representatives of the Shop Assistants Union, the Retail Traders Association and the Retail Storekeepers Association for the purpose of adopting a common policy on the question of trading hours.

(3) That, in the event of the State Government introducing legislation to provide for both Friday night and Saturday morning trading, this meeting recommends to the executive that a ballot be conducted of all members of the association for the purpose of deciding whether members will work at all Saturday mornings.

(4) That this meeting requests the Executive to organize a petition opposed to the extension of trading hours and urges all members to endeavour to obtain the maximum number of signatures possible.

(5) That this meeting of shop assistants calls on all trade unions to support our campaign against the reintroduction of Friday night shopping.

So it is clear that they come up with an answer which is in accord with trade union principles that have been operating for many years in this country.

Again, on December 1, 1971, at the A.G.W.A. Hall, 50 shop assistants met at the monthly meeting and endorsed the union's proposals. On January 12, 1972, a further special meeting of shop assistants was called at the Woodville Town Hall and 1,200 shop assistants once again unanimously endorsed the union's proposals. On February 2, 1972, at the ordinary monthly meeting 80 shop assistants unanimously supported the union's proposal and again, for the sixth time in a row, at a monthly meeting in the Trades Hall on March 3,200 shop assistants unanimously endorsed the union's proposal. How then can it be said that the proposals put forward by the union

are not those of its members? Members of this Council are aware that Friday night shopping did not cease throughout South Australia during the years of the Second World War. At that time the spread of hours, such as now, extended beyond the ordinary working hours, which were 44 hours, and it was not uncommon, as older members like the Hon. Mr. Hart will recall, to see shop assistants having half a day off during the week to be told at 3 p.m. on a Friday to report back at 6 p.m. for late night trading and working broken time all around the clock.

The introduction of a roster system will bring back these iniquities to the industry. In this enlightened age, employees should not be required to return to the substandard conditions that applied in the 1940's, and I stand and fight for the rights of the employees in the retail industry to be treated rightly, fairly and justly, as are their counterparts in other parts of industry. Sooner or later there must be a breaking of the nexus between trading hours and working hours and, whenever that time comes and whichever Government must ultimately make that decision, it will go through the pangs now being felt by this Government in its attempts to resolve this vexed and complex question.

If, for example, the proposition to extend trading hours for 24 hours a day, seven days a week, as suggested by Mr. Hall (the former Leader in another place), had been proceeded with, would this Chamber be considering that the ordinary hours for shop assistants should encompass the total structure of 24 hours a day, seven days a week? I do not think it would. We would see the ludicrous situation, if that illogic applied, of employees being on a one-day-off one-day-on roster all over the place for the sole purpose of employers avoiding the payment of overtime to such employees and, as a consequence, reducing wages in this section of the community.

I believe that the proposals suggested by the Government in this Bill are of fundamental importance. They protect the interests not only of those currently employed in the retail industry but also of future generations of shop assistants who are today having no say in a decision so fundamental that it will affect for all time the conditions of employees in the retail industry. This Government has the responsibility of a clear charter to protect those interests and to protect those who in future generations will seek employment in an industry that employs more than 10 per cent of the total work force in this country and to ensure that the standards and conditions under which they are expected to work are not unfair or substandard when compared to the wages and conditions of employees in other industries.

I return to the question of how this legislation might increase costs. I should like employers, or perhaps an honourable member when giving the employers' side of the story, to tell me why the employer does not hesitate to increase prices without any real reason. I instance two cases. First, recently my wife went to a store in Rundle Street and bought a tie for me; unfortunately, it had the colours of Central District, and that put my back up. I returned the tie the next day only to find that the girl said, "What a damn shame you returned it today. Another one will cost you 75c extra." What brought about a 75c increase overnight—because it had been wrapped up and returned? The other day at one of the food stores there was a large pile of ginger marked 19c for the 300 or 400 4oz. packets in a bin. My wife removed one and the assistant said, "Just a minute," crossed out "19c" and wrote "23c". What increased the price of that ginger overnight? Not wages—nothing else but the desire for extra profit.

What brought about the $2 or $3 increase for a nationally-branded pair of shoes when price control was removed from shoes? Nothing! The employer had a better go, because he did not have to report to the Commissioner for Prices and Consumer Affairs, so up went the cost of a pair of shoes overnight. The employers have the temerity to say that this legislation might increase costs by 1 per cent or 2 per cent; but it might not increase prices at all. If the public wants increased shopping hours and believes that they should pay extra they should pay it, but it should not be done at the expense of the employee.

The Hon. M. B. DAWKINS (Midland): I support the second reading of this Bill, which is designed to amend trading hours in this State. It was stated earlier that, as something had been said previously about the employees' side of the matter, possibly the next person to speak would represent the employers. However, I represent the general public. I hope that includes the employers, the employees and the people at large. This is the spirit we should adopt when we address ourselves to a Bill of this nature. We should ask: what is best for the people as a whole?

The history of and the reasons for this Bill provide some of the best evidence yet of the

vacillation and weakness of this Government. The story of the moves up to the present over a period of practically two years shows up the Government in a very poor light because of its shilly-shallying and weak-kneed attitude. All honourable members will remember very well the 1970 referendum which was little more than a smart alec move by the then Minister of Labour and Industry designed to achieve two things. One was to get Mr. Lloyd Hughes (for whom I have considerable regard as a person) back into Parliament by a grossly unfair manipulation of a variation of conditions in a by-election, part of which was to be truly voluntary voting, as provided for in the Constitution for the Legislative Council, and another part, the Labor-oriented part of the district, was to be virtually compulsory voting, because the referendum on shopping hours was to be held on the same day.

The second objective was that the referendum was intended to get the Government off the hook with regard to shopping hours. The whole operation was a singularly unsuccessful exercise, in that the first unfair and unethical aim was circumvented by the action of this Council and the resultant conference that followed. The second objective, of getting the Government off the hook, got it well and truly on to it by reason of the effect of the "No" vote; not only that but it got the Government on to the hook in the areas where it hurt it most, as evidenced by the squealing of the members most affected in areas such as Tea Tree Gully, Elizabeth, Playford, Mawson and Salisbury.

The Hon. Mr. Banfield, who is a great friend of mine although we do differ occasionally, gave what purported to be a learned dissertation on shopping hours as they affect the Elizabeth and Salisbury areas, particularly today. Personally, I have never met anyone in those areas—which are part of my district—who has ever seen him out there or knows him or has even heard of him, so I do not believe the Hon. Mr. Banfield knows much about the area. I think he knows still less about the shopping areas in that part of the Slate.

The Hon. D. H. L. Banfield: You do not believe what the association told me?

The Hon. M. B. DAWKINS: The Hon. Mr. Banfield referred to the protest meetings on shopping hours, to which those members who were considered by the public in those areas to be blameworthy were invited. The honourable gentleman said that we, the members for Midland, did not go to the meetings. That was true in one case because we were not invited. The people concerned, apparently, believed that the Midland members were not to blame for the situation in which they found themselves, following the "No" vote in the overall result of the referendum.

The Hon. D. H. L. Banfield: But the people—

The DEPUTY PRESIDENT: Order! The honourable member has had ample opportunity to air his views.

The Hon. M. B. DAWKINS: The members for Midland (I include my colleagues) go to meetings wherever and whenever possible when we are invited, but apparently we were not considered to be to blame for the result of the referendum.

In another case of a similar sort of meeting only a few miles away, we were invited and all the members for Midland were present. The honourable member further said, referring to the traders and the people in Elizabeth, "Mr. Dawkins wants to disown them." As I have said, I have great regard for the Hon. Mr. Banfield, and this statement rather shocked me. I think he let his enthusiasm run away with him, because that is a completely untrue and irresponsible statement. I am surprised that he should make such an obviously incorrect comment, which was a complete fabrication; it would be a complete fabrication as regards my colleagues as well.

The members for Midland will attend to and look after the needs of their constituents whenever they are brought to our notice. We will attend meetings on shopping hours or any other needs of the people wherever and whenever possible. We do not have to do what we are told, as does the honourable gentleman. We do not have to shift our position on shopping hours under instructions. Personally, I will take notice of my honourable friend when he talks some sense on this matter. In the meantime, I shall take no notice of him and, as I do not want to hurt his feelings—

The Hon. D. H. L. Banfield: But you are.

The Hon. M. B. DAWKINS: —I will make it clear to him that I will take still less notice, if that is possible, of white ants, termites or little lap dogs.

The Hon. D. H. L. Banfield: You will regret this!

The Hon. M. B. DAWKINS: I do not take orders and I do not disown organizations or people. We have been told by the Government that, if this legislation is not passed in its present form, the employee will suffer. The Hon. Mr. Banfield has said that we must

protect the employee. Fair enough, but what about the general public? Does not this Government care about the public as a whole and the added costs that would be incurred? Some of this general public, the people of South Australia, would be the wives of these same employees about whom the Hon. Mr. Banfield is so concerned, and they would have to pay extra costs as a result of this Government's action. Does the Labor Government in South Australia want to look after the general public, the people of South Australia as a whole (I would hope so) or is it a fact, as the Hon. Mr. Banfield almost implied this afternoon when he talked about the need to look after the employees, that they are a class party wishing to look after only a section of the community?

The Hon. D. H. L. Banfield: We do not want sweated labour.

The Hon. M. B. DAWKINS: We have been told that this Government has a responsibility to the people. The honourable gentleman said that this afternoon. I say it has abrogated that responsibility by the way in which it has shifted ground and yielded to pressure over this measure.

Following the unwanted result of the referendum, as I said earlier, the Government was well and truly on the hook; it was in a quandary and has been ever since. A month ago it appeared that it might get out of it: we read that the Government was going to reach an acceptable arrangement with the unions and business people. No doubt, had it been able to clinch this arrangement, the Hon. Mr. Banfield would have taken an entirely different line today. He would have been talking in favour of the roster system or something like it and would have been handing out faint praise to big business and great praise to his union bosses. But, on a fairly recent Wednesday, the union bosses decreed otherwise. The Government had to snap to attention, click its heels and do what it was told, and thus we have this Bill before us, which will inevitably increase costs. I do not know, the Hon. Mr. Hart does not know and, certainly the Hon. Mr. Banfield does not know how much those costs will be increased. He did not give us any information on the matter; he asked a lot of questions but did not give us any information. No-one really knows. But we do know that costs will be increased as a result of this measure as it now appears before us.

I do not want to say anything about the details of the Bill except one or two minor things. We hear about an 8.30 a.m. start, the Hon. Mr. Banfield mentions an 8 a.m. start, and the Hon. Mr. Hart mentions the present starting time of 9.5 a.m. I believe that the time in the early morning from 8 o'clock and probably up to 9.30 o'clock is largely wasted time. If people have to get up one hour or 1½ hours early when there are few customers about, it is a waste of the time of the employees and management and will tend to increase the cost of business. I do not believe that an 8.30 a.m. start should be required nor, as the Hon. Mr. DeGaris said earlier today, that there is any sense in providing in the Bill for work until 12.30 p.m. on a Saturday; this is foolish and unnecessary. I think that the Australian public today are sports minded, and this is a good thing. If they can finish work at 11.30 a.m., they have a reasonable chance of getting to sport at a reasonable time. However, if they finish at 12.30 p.m. the afternoon is half gone, and they are unable to get away to their sport. The suggestions of an 8.30 a.m. start everyday and a 12.30 p.m. finish on Saturday are wrong.

I believe that the Bill as drafted will impose a considerable increase in costs on the housewife and on the public in general. I support the Bill to the Committee stage, where I hope that it will be amended so that it will appear more like the suggested compromise which appeared to be well on the way in mid-February and which has now been pushed aside because the unions have decided that they must have their way. I am not on the employers' or the employees' side but on the side of the general public, as a whole, and I hope that we can get something out of the Bill that will be of benefit to the public and not only of benefit to the public but also to the employer and the employee. I support the second reading.

The Hon. F. J. POTTER (Central No. 2): On the face of it, this Bill looks to be a simple measure; it is merely a Bill to extend normal trading hours to 9 p.m. on Friday and to insert a clause dealing with certain matters which normally would be dealt with under the terms of an industrial award. But we must not let the brevity of the measure or the comparatively simple drafting of at least one of the clauses fool us, because this is one of the most tricky measures with which honourable members have had to deal. I found that it poses some very complicated problems; indeed, I have spent many hours trying to find solutions to the problems. The simple matter of the introduction of Friday

night shopping is one that I do not oppose. However, I do not think that it will be the success in practice that many honourable members think it will be.

I shall not say much about the Bill, because other honourable members have given the history of how this legislation came about, and to repeat all that would not get us anywhere. I support the idea of Friday night shopping until 9 o'clock, but such late night shopping might well prove unsuccessful in the cold weather. As the referendum disclosed that a large section of the metropolitan area was in favour of night shopping, I hope that we can devise some amendments that will not inordinately increase costs to the shopping community.

Whatever we do, I think that the introduction of Friday night shopping and the retention of Saturday morning shopping will increase the cost of goods to the purchaser. However, if we are wise in this matter these costs can be kept down to a reasonable level. The measure is such that it will greatly increase costs to the general public if it is passed in its present form.

I shall now deal with one or two aspects of the Bill that I do not think have been mentioned in the debate. In his second reading explanation the Minister said that the Government considered it appropriate to introduce the principle of the five-day week which applies to other industries in South Australia, but this applies only to some industries in the State. Thousands of people work weekends in ordinary times. One has only to think of the hundreds of people who work, for instance, in hospitals, as police, in the Engineering and Water Supply Department, all of which are service industries, but people work at General-Motors Holden's and Chrysler Australia Limited regularly at weekends in ordinary times when certain penalty rates are imposed, and some of them work under a roster system. It is only by the introduction of a roster system that that can be done.

They are working a roster system with penalty rates for weekend work, and no-one would deny that. Also, one has only to look around and see the hundreds of people working in cafes, delicatessens, Burger-King restaurants and hotels, and one could say that they are working all kinds of broken hours. Some of them do this work as an additional job; they have a regular job during the day and are working these extra jobs outside their other employment. They still work 40 hours in any week, but they are receiving penalty rates for weekend or night work. There is nothing unusual about that.

The whole point is that these provisions regarding rostering, penalty rates and shift allowance are normally covered by awards of the Industrial Commission which, in its awards, can cover a multifarious number of conditions and circumstances. I do not know whether honourable members have studied the *Government Gazette* that comes out almost weekly and seen the provisions printed in it; they often cover six or eight pages of close type. They deal with all the ramifications of the award. The commission is set up to do that work and it could provide for rosters, prescribe hours for people working non-rosters, prescribe penalty rates and overtime (and there is a difference between the two); generally this is its function and purpose. No Act of Parliament that I can find anywhere tries to do this. The Bill before us, with clause 5 as it is drawn, seems to be an attempt to do something quite unique, to legislate for certain industrial conditions. I do not think it is possible to do it and to cover the aspects attempted to be covered in clause 5, namely, what are ordinary hours, and questions of loadings, and so on. It is quite impossible; it would need a proper award of the court.

Once we follow some sort of system, as set out in clause 5, stipulating hours of commencement and hours of finishing to provide for a 40-hour week over Monday to Friday, we would be creating legislatively a precedent which would be quite disastrous to the rest of our industrial apparatus. It would not be unfair to say that if the Bill is passed in its present form all hell would be let loose as far as other awards adjudicated upon by the commission are concerned. There would be people at present working at weekends and at other times who would want the same provision made for them. The cafe and restaurant people would be certain to ask for a 40-hour week covering Monday to Friday, and the same would relate to other service industries. The shop assistant belongs to a service industry of a kind; it is not precisely the same as the others I have described but, particularly when we come to the question of what the proper loading should be, the conditions are such that it should be left to the Industrial Commission. That is the body qualified to deal with these matters. Why did we, in this Parliament, set up our Industrial Commission if not to deal with such matters?

The Bill, as presently drawn, presents another very great difficulty. It prescribes that the hours of work are to be between 8.30 a.m. and 5.30 p.m. Monday to Friday inclusive. The definition of "shop assistant" as contained in the Industrial Code is more than a person working behind a counter. The definition is as follows:

"shop assistant" means—

(a) a person engaged in or about a shop (whether remunerated or not) —

(i) in selling or supply, or assisting in the sale or supply, of goods to the public;

(ii) as a hairdresser;

(iii) as a clerk or a messenger;

(iv) in packing or dispatching goods;

or

(b) a person engaged in delivering goods from a shop:

All of these categories are covered by the definition. What trouble we would be in if we stipulated that the people in all these categories could not start work before 8.30 a.m. What would be the position of people employed as drivers for the stores, or as van salesmen? All of these people start work well before 8.30 a.m. To provide that there should be a starting time is quite impossible; it arises because of the definition in the Industrial Code.

The Hon. Mr. DeGaris and other speakers have said that three possible schemes have been mentioned in the debate that has been going on in this Chamber, outside, in the newspapers and in another place. There was the Government scheme embodied in the Bill with the starting and finishing hours and overtime rates for work on Friday nights and Saturday mornings; there was the roster scheme devised to provide for a five-day week and an 80-hour fortnight, about which we have heard a great deal. That scheme might be acceptable to a large percentage of shop assistants, particularly those employed in the big stores. The roster system does not suit everyone.

The other alternative is the 40-hour five-day week ending at 9 p.m. on Fridays with overtime payments and no roster. Saturday morning would be paid at overtime rates. There was a hint by the Hon. Mr. DeGaris that we could put them all in and let people choose, but I do not think that is possible. I do not go along with the idea of prescribing legislatively for industrial conditions. The union wants a 40-hour week, Monday to Friday. The legislation is designed to achieve that. What the union looks forward to, of course, is the possibility of Saturday morning closing. I do not think that is acceptable to the public and it will be a long time, if ever, before it comes about.

The trouble with what the union puts up is that it is likely to condemn the shop assistant, who works very hard and has my sympathy in many respects, to working up to a 47-hour week with Friday nights and Saturday mornings. That is why I believe the roster system has received genuinely quite a good response from shop assistants. About 64 per cent of the shop assistants are women, and they are anxious to obtain time off rather than receive extra pay or work extra hours. We should look at the Bill closely. It was suggested that closing hours could be brought back from 12.30 p.m. to 11.30 a.m. Saturday; that was not a bad suggestion. Although the Act has for many years provided that shops could remain open until 12.30 p.m. on Saturdays, not many establishments have remained open until that hour, most of them having closed at 11.30 a.m. I realize that a few in the suburbs remain open for a quarter of an hour or so extra, and that some might even remain open until about 11.55 a.m. However, that is the exception rather than the rule. I do not think there is any objection to bringing the closing time on Saturday morning back to 11.30 a.m., and I intend to move an amendment in Committee to achieve this except, or course, in relation to hairdressers.

I thought originally that the only way to deal with this problem was to strike out clause 5, which is the thorny clause in the Bill, and to leave to the court what should be decreed as ordinary hours, overtime, loadings and so on. However, after reflection, I think we can do better than that. It is possible to amend clause 5 to deal with the matter that has caused all the trouble: namely, what are ordinary hours. Accordingly, in Committee I will move an amendment, a copy of which I will circulate to members, which will provide that for shop assistants other than hairdressers ordinary time shall cease no later than 5.30 p.m. on Mondays to Thursdays inclusive, 9 p.m. on Fridays, and 11.30 a.m. on Saturdays, and that no shop assistants shall be required to work in such ordinary hours on more than five consecutive days in any one week and more than 80 hours in any period of two consecutive weeks.

As far as I can see, that will satisfy just about everyone involved in this controversy. It should satisfy the employers and employees alike, and it will leave the matter open for the

introduction of a roster system (which will be approved by the court) and for the court to determine, or for the parties to agree upon, what shall be the appropriate loadings or overtime rates for work on Friday nights and Saturday mornings. The definition of "ordinary hours" goes back to the whole root of the problem. If the problem can be solved, we will take a great step towards solving the Government's difficulties and those of all the parties concerned with the legislation.

The sooner this Bill gets into Committee, the better it will be. I ask honourable members to examine carefully any amendments that are moved. I assure them that many hours have been spent thinking about and discussing the problems with all the parties involved. Whether or not the roster system is acceptable, it will be left to the court or to the parties themselves to make the fundamental decision concerning rates and industrial conditions. However, I believe it will be acceptable to a large percentage of people.

I support the second reading, and I hope we will be able to tackle this problem along the lines I have suggested. I know we will be setting a precedent, because it will define the words "ordinary time", but this is unavoidable. I am not happy about legislating for industrial conditions, but this really only provides a key to the door, as it were, for the commission or parties to determine the other important questions, and I am sure they will be successful.

The Hon. A. F. KNEEBONE (Minister of Lands): There has been much emotion regarding shopping hours.

The Hon. R. C. DeGaris: By the Hon. Mr. Banfield?

The Hon. A. F. KNEEBONE: He was not the only one: the emotionalism has not occurred only in Parliament. People have done and said things inside and outside of this place that could best be described by the word used by the Deputy Commissioner of Police when referring to some other statements, but I hesitate to use that word in this place. Much rot has been spoken from the outset about shopping hours. Although I do not intend to reply to all the matters that have been asked, I should like to comment on a few things that have been said. The Hon. Mr. Dawkins accused the Government of vacillating regarding shopping hours. We have had all the complexities of the shopping hours dispute for many years in this State. When the Liberal Government was in office, it was too frightened to touch the matter because it was a political hot potato. At least this Government was big enough to see that what had been done in the past needed correcting, and it took some action by introducing this Bill.

When the Hon. Mr. Banfield was speaking, the Hon. Mr. Dawkins interjected (and he repeated the statement again tonight) that the honourable member was not known in the Elizabeth area. I do not agree with that statement: I know he is known in that area. The honourable member then accused the Hon. Mr. Banfield of not having made a survey in that area and of taking as gospel what was supplied to him and many other members regarding the feelings of storekeepers there in a survey which they took and a copy of which they supplied to honourable members. Surely we can accept that the survey these people made themselves is a complete somersault of their position a year or so ago. I agree with what the Hon. Mr. Banfield said: that it was the worst political action imaginable, and the Hon. Mr. Dawkins supported them in their attitude. Some honourable members told us what they thought should be the system to operate for the hours of work for shop assistants. I should have thought the Leader intended to move an amendment proposing to put three different systems into the Bill to cover three different types of working.

The Hon. R. C. DeGaris: I said I would look at it.

The Hon. A. F. KNEEBONE: The Hon. Mr. Potter said he did not believe there should be anything in the Bill regarding hours. I followed him to the finish of his speech, when he said he proposed to move an amendment that was, in effect, the roster system with some variation.

The Hon. F. J. Potter: I said I intended to do that but I changed my mind.

The Hon. A. F. KNEEBONE: Others supported the employers' ideas regarding a roster system, but even the employers did not say that this would cover the whole of the industry. The Hon. Mr. Potter said that some people worked ordinary time at weekends. However, they all receive consideration for working at weekends.

The Hon. F. J. Potter: I would not deny that.

The Hon. A. F. KNEEBONE: I know. Shop assistants have been working part of the weekend for years. Do not tell me that a 25 per cent loading is ample pay for working at a weekend. I know of some instances where a

40-hour week is worked within the five working days and any overtime at the weekend is at the rate of time and a half on top of ordinary time, and then double time on top of ordinary time. The Hon. Mr. Potter said, too, that thousands of people worked at the weekend at ordinary time. However, hundreds of thousands of people have got a five-day week, and I cannot see why shop assistants should not be paid at ordinary time within the five days and be paid suitable compensation for working at the weekends.

The fact that someone wants to cut an hour from their time because he is worried about the shop assistants not getting to sport on Saturdays amuses me when I reflect that within the shop assistants' wages there is a meagre allowance because they are working for part of the weekend. I was shocked to realize the extent of their wages; I had not looked at them closely. I was once associated with the printing industry, the employees of which do shift work. The newspaper industry works a five-day week on a seven-day roster. In addition to the penalty rates for working night shift, the man who sweeps the floor gets more than the tradesman in general industry because it is recognized by the newspaper proprietors that people have to work there at times when other people are enjoying recreation and other things. That is recognized by the employers in some industries. I am not getting emotional about it, but I think what we are trying to do in this Bill is reasonable.

Longer and more convenient shopping times granted to the public should not be given in a way that will be detrimental to the working conditions of shop assistants. As regards the roster system, it has long been a principle of the trade union movement that time worked as overtime should not be offset against time not worked. That principle has been expounded for years. I know of instances in industry where a person of his own free will has gone to the employer and said, "I want a couple of hours off." The award is looked at and it is found that it provides that the man should work a 40-hour week (for which he has an award) and, if he takes time off and makes it up, he loses his time on ordinary pay. If he makes up the time outside the ordinary working hours, he is paid overtime. That is provided for in awards generally. How can we ask people who are union-minded, union-conscious and brought up in the traditions of the trade union movement to accept what was put up in regard to rosters where they would lose time in one week and make it up in another? Certainly, that is done in some industries, but it is nothing to be proud of. I am proud of the fact that in other industries and the industry that I helped to administer at one time this was not allowed.

Shop assistants are one of the few groups of employees that still do not work their 40-hour week in five days. It is only reasonable that they should get the benefit of the same working conditions as day workers in other industries enjoy. It is generally accepted that shift workers may be rostered to work their 40-hour week on days other than between Monday and Friday, but it cannot be said that shop assistants in non-exempt shops are shift workers in the generally accepted meaning of the term. It therefore follows that, like all other day workers, their 40-hour week should be worked between Monday and Friday. They should not be regarded as second-class workers and expected to work under conditions inferior to those of other employees. The only evidence to support the retailers' proposal is a vote taken at Myers, under a threat of dismissal from that company, of 200 permanent employees. The Shop Assistants Union represents employees in the industry, and the executive of that union unanimously favours the Government's scheme. Some people are constantly alleging that the Government is controlled by unions, that it does what the unions tell it to do. That is not true and never has been true. When I was Minister of Labour and Industry I had many discussions with the trade union movement about various matters and I was often able to convince unions that what I suggested was better than what they wanted to do. We can discuss things with the unions just as honourable members opposite discuss matters with the employers. How many times have we had Bills here with honourable members opposite saying, "We have people here who want to speak to this proposition"? How many times have we heard the legal members of this Chamber say, "Hold off. We want to talk to the Law Society or some other people who are interested in this legislation"? How often have we heard doctors in this place tell us that they want to discuss things with the Australian Medical Association or other doctors? What is the difference? It makes me laugh when we see what has happened in the last few days and remember what we used to be accused of—that we had faceless people telling

us what to do. There have been many faceless people around this week. The Bill provides for ordinary working hours for all shop assistants, while the retailers acknowledge that their roster system could not apply to assistants in food shops and small shops. The Hon. Mr. DeGaris said that there was no mention in the Bill of the exempt list; he referred to a manufacturer of billiard tables who had built up his business by trading on Saturday afternoons, in breach of the law. What does the Leader think about the position of Brady's? What will that firm do if a small business is allowed to trade while Brady's is not allowed to trade?

The Hon. R. C. DeGaris: Are billiard tables made by Brady's?

The Hon. A. F. KNEEBONE: That does not make any difference; the crux of the matter is the selling of the tables. Inspectors of the Department of Labour and Industry found that the small business man referred to by the Leader was operating when he should not have been operating; that business man now squeals and wants to be exempted from the provisions of the legislation so that he can sell his products when other people are not allowed to sell their products, be they billiard tables or other articles.

The purpose of this Bill is to extend trading hours to enable shops to open on Friday nights. Exempt goods can now be sold on Friday nights, and I fail to see why the liberalization of trading hours should mean that the exempt list, which was extensively revised in 1970, should again be reviewed. I appeal to honourable members to support the Bill as it stands.

Bill read a second time.

In Committee.

Clause 1 to 3 passed.

Clause 4—"Closing times."

The Hon. F. J. POTTER: I move:

In new subsection (la) to strike out "12.30 p.m." and insert "11.30 a.m.".

This amendment has been canvassed not only by me but also by other honourable members. It will alter a fairly long-standing provision regarding the closing time on Saturdays. As the Saturday closing time of 11.30 a.m. is now normally observed, there is something to be said for making it a statutory provision and therefore of uniform application.

The Hon. A. F. KNEEBONE (Minister of Lands): I oppose the amendment because it is unnecessary. No shop is compelled to stay open until 12.30 p.m. on Saturdays; shops can close at any time before then. In fact, they do not have to open at all on Saturday mornings. The amendment would favour the large retail stores, which normally close at 11.30 on Saturday mornings, and it would be detrimental to the very small stores. Surely we do not want to stop small stores from trading for a short time after 11.30 a.m. on Saturdays. If they can do that, they get some crumbs from the table of the large stores. Many small shops, particularly hardware shops, stay open until noon or 12.30 p.m. on Saturdays. One honourable member said to me that he thought hardware shops should be exempt shops; surely that honourable member will support the clause as it stands. Why should a shopkeeper who does not employ shop assistants be forced to close relatively early, simply because it suits the Rundle Street stores to close at 11.30 a.m.?

The Hon. F. J. POTTER: The Rundle Street storekeepers were the last people I had in mind in moving the amendment; I had thought that by and large the amendment would do something for shop assistants, wherever they might be employed. The very small stores would not be involved in connection with this amendment, anyway.

The Hon. A. F. Kneebone: Why not?

The Hon. F. J. POTTER: I do not know whether the proprietors of such stores would be classified as shop assistants. I would have thought that my amendment would be welcomed by shop assistants; if I am incorrect, I will stand corrected by the Minister. If the Minister thinks it is not advantageous for stores to close at 11.30 a.m. on Saturdays, I shall be quite happy to be persuaded in that way, but he has not yet persuaded me. The amendment is not tremendously important, but I thought we could make the legislation fit in with the actual hour normally observed.

The Hon. R. C. DeGaris: Particularly since the Bill provides for Friday night shopping.

The Hon. F. J. POTTER: Yes. Some people may say that, if we are extending hours on Friday nights, we should shorten hours on Saturday mornings. I realize that it is not compulsory for stores to open on Saturday mornings or on any day. My amendment is not unreasonable and would help shop assistants in big stores and small stores.

Amendment carried.

The Hon. F. J. POTTER: I move:

In paragraph *(a)* to strike out "12.30 p.m." and insert "11.30 a.m."

This is the same amendment as the previous one.

Amendment carried.

The Hon. F. J. POTTER moved:

In paragraph *(b)* to strike out "12.30 p.m." and insert "11.30 a.m."

Amendment carried; clause as amended passed.

Clause 5—"Ordinary hours of work."

The Hon. F. J. POTTER: I move:

To strike out paragraphs *(a)* and *(b)* and insert the following new paragraphs:

(a) in the case of such shop assistants other than hairdressers, shall cease no later than the hour of 5.30 p.m. Mondays to Thursdays inclusive, the hour of 9 p.m. on Fridays and the hour of 11.30 a.m. on Saturdays and no shop assistant shall be required to work in such ordinary hours on more than five consecutive days in any one week and more than eighty hours in any period of two consecutive weeks;

and

(b) in the case of shop assistants being hairdressers, shall cease no later than the hour of 6 p.m. Mondays to Thursdays inclusive, the hour of 9 p.m. on Fridays and the hour of 12.30 p.m. on Saturdays and no shop assistant shall be required to work in such ordinary time on more than five consecutive days in any one week, and more than eighty hours in any period of two consecutive weeks.

This is the really difficult clause and, as it stands, it is impossible to implement the Bill's present provisions. The amendment, if accepted, will leave the questions of what will be the payment of loadings for work performed out of ordinary hours or done in overtime after the eight-hour day to be determined by the Industrial Commission, which is the body that should determine them. It is the commission's work to deal with ordinary hours, and it will enable a roster system to be worked out. The new provisions will, I think, satisfy the principle sought by the union, which wanted a five-day working week, and this will be provided for.

The Hon. D. H. L. Banfield: You made all these hours ordinary hours, but the court cannot award overtime for ordinary hours.

The Hon. F. J. POTTER: The court will award overtime because, after eight hours is worked in any one day, it will be paid.

The Hon. A. F. Kneebone: They don't have to work over eight hours.

The Hon. F. J. POTTER: There will be overtime, all right. As far as I understand the position the parties have conceded that payments and proper loadings will be paid for Friday night and Saturday morning work.

The Hon. A. J. Shard: It's 25 per cent.

The Hon. F. J. POTTER: That is not the figure I have heard authoritatively. It has already been worked out and agreed that a 50 per cent loading will be paid.

The Hon. A. J. Shard: That's not enough.

The Hon. F. I. POTTER: This amendment has been carefully considered from all angles and, in working it out, we have tried to consider what the retail traders, the small shopkeeper and the union wanted, and what the Government wanted. I think that once we establish the limits of what is meant by ordinary hours of work for shop assistants, flexibility will result. The amendment covers all possible matters that might arise between employers, employees and the union in this difficult problem.

The Hon. A. F. KNEEBONE: The variation in these amendments is less than what the employers suggested.

The Hon. R. C. DeGaris: That's not a fair statement.

The Hon. D. H. L. Banfield: It's a true statement.

The Hon. A. F. KNEEBONE: There is nothing to show that it is any better; all it does is to provide for the roster system. The employers have said that the roster system will not suit all shopkeepers. The amendment provides for five successive days in any week and not more than 80 hours in two weeks. Anyone who works overtime on Friday night will work on Monday to make up for it.

The Hon. R. C. DeGaris: If he wants to.

The Hon. A. F. KNEEBONE: We cannot accept the principle that, if a man works weekends and on Friday nights, he must have Monday off to make up for it. The Government cannot accept the amendment.

The Hon. R. C. DeGARIS: When speaking in the second reading debate I illustrated my views that we were dealing with categories of shop and that a different organization would suit certain categories of shop. I suggested that I would try to frame amendments giving the possible alternatives. It must be admitted that the three alternatives are all required to fit the various categories we are trying to handle. I struck some rather serious problems in trying to draft this, and I believe the Hon. Mr. Potter has come down with an amendment which allows alternatives in this situation. I cannot understand the Minister when he says they would not allow for a loading for overtime on Friday nights and Saturday mornings.

The Hon. A. F. Kneebone: Because it will be an Act of Parliament which will lay down that these are ordinary times.

The Hon. R. C. DeGARIS: If this is the problem, which I cannot see, then let us correct it. I cannot see why the court should not decide. That is where most things are left. We are stepping away from precedent by writing as much as we are into this Bill. It is obvious that there will be a loading for Friday night and for Saturday morning. I do not understand the Minister's attitude to the amendments.

The Hon. A. F. KNEEBONE: If the honourable member knew anything about industrial matters he would know that when we speak in industrial courts about ordinary time, that is what it is; we do not get penalties for ordinary time. Ordinary time, overtime, and penalty rates are the expressions used in arbitration courts. For ordinary time we cannot get overtime rates. This measure provides for ordinary time on Friday nights and Saturday mornings, and as long as the shop assistants work 80 hours in a fortnight it does not matter how many hours they work in a week or what days they work.

The Hon. F. J. Potter: Provision is made for time worked after the ordinary hours cease.

The Hon. A. F. KNEEBONE: And then they go on to overtime. Until those times cease they cannot get overtime. Until they work 80 hours in a fortnight they cannot get overtime. The mover admits that.

The Hon. D. H. L. BANFIELD: The Minister is quite right. The ordinary hours are any hours before 5.30 p.m. from Monday to Friday, to 9 p.m. on Friday and to 11.30 a.m. on Saturday. What hours will the shop assistants work beyond this when there can be penalty rates for anything other than ordinary hours? There is nothing in the amendments about the intention of the storekeepers to work other than those hours.

The Hon. F. J. Potter: They do not have to work more than five consecutive days in any one week.

The Hon. D. H. L. BANFIELD: Within those ordinary hours. If they work on a Friday night or an extended night already they work until 9 p.m. and get a 50 per cent loading.

The Hon. F. J. Potter: And they will continue to do it.

The Hon. D. H. L. BANFIELD: They cannot do that, because the court does not award overtime rates for ordinary hours. Saturday mornings attract a 25 per cent loading, but the amendments do not mention that. Saturday mornings would be ordinary hours. Perhaps the honourable member overlooked this point, but, granted that he may have been sincere, he says he has heard that the loading will be up to 50 per cent on Friday nights. If there is agreement on this, then why did he not put that in here, stipulating that hours of work beyond 5.30 p.m. on Friday would be at overtime or penalty rates, to be decided by the court? Why did he not provide that hours worked on a Saturday would be at overtime rates to be decided by the court? We could accept with some satisfaction that there would be overtime, but here there is no provision to allow the court to grant overtime. This clause is worse than the award already in existence.

The Committee divided on the amendments:

Ayes (11)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, F. J. Potter (teller), E. K. Russack, V. G. Springett, and A. M. Whyte.

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

Majority of 7 for the Ayes.

Amendments thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN FILM CORPORATION BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4181.)

The Hon. M. B. DAWKINS (Midland): I rise to speak to this Bill without enthusiasm. It seeks to establish yet another Government-sponsored body. That should be no surprise to honourable members, because this Labor Government, in common with all Governments of like character, is in favour of Government-sponsored bodies. These bodies cost money, which belongs to the people. However, the people of this State put this Government in power and this legislation was referred to in the Premier's policy speech, so I do not intend to oppose the Bill now. In his 1970 policy speech the Premier said:

A Labor Government will establish a State film unit and will work towards the provision of film studio and processing facilities on a site that has provision for varied outdoor location shots. The facilities will be available to independent producers to produce films for export, for television and for cinema. South Australia's light and climate are ideal for this purpose and with such facilities producers will

be able to make use of the new Commonwealth grants for film productions. They will find it cheaper to work here than elsewhere in Australia. A special Act will be passed making it possible to close streets—

that is an interference with the rights of people and their free movement—

and make them available for film shooting with proper safeguards to the members of the public involved. Full co-operation of the Administration will be given to film producers who use the facilities.

So, the Premier clearly indicated that he intended to do something like this. Although I do not oppose the Bill, I will listen with interest to the remainder of the debate and to what the Minister says in reply. The Minister pointed out an obvious fact in his second reading explanation when he said that the local film industry was very small and that the few films produced were generally of a low standard. He also said that, if good films could be produced here, vast markets existed into which they could easily be introduced. The first statement is correct, but the second statement is very optimistic. The Minister also said:

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. . . . The corporation will undertake the supervisory function of production. . . .

I wonder whether the Minister and the Premier fully realize what great costs might be incurred not only in setting up a film industry but in setting up an industry which, whilst it might eventually be of value to the State, could cost this Government a very considerable amount at present. I believe that the costs could be very great indeed and that the move could well be premature.

I will now deal briefly with the various clauses. Clause 5 refers to the establishment of a body corporate, and is the usual type of provision covering such establishments. Clause 5 (4) provides that the corporation will consist of three members and that the director will also be the chairman, which means he will have a double job. I do not know that that is a good provision. However, there will be a director-chairman and two other persons. The remainder of the clause covers provisions of the type usual in the setting up of such a corporation, providing for the deputy chairman and for the replacement or reappointment of members. Also, it provides for the exemption of these people from the provisions of the Public Service Act.

I know some Commonwealth money may be made available for this sort of project, provided it meets with the approval of the Commonwealth authorities, but I have been told that about a fortnight ago His Excellency the Governor recommended the appropriation of such funds as may be required for the purposes of this Bill. This will come from general revenue, and it will be paid for by the people of South Australia.

Clause 6 is a machinery clause referring to the duties of the chairman and providing that two members shall constitute a quorum. Clause 8 is of a type very familiar to us nowadays. It provides that in the exercise and performance of its powers, duties, functions, and so on, the corporation shall, except where it is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister. One would expect, in the present circumstances with the present Government, that such a clause would be included in the Bill. It is something about which it is very difficult to reach a happy medium. Admittedly, we do not wish to have a large number of Government or semi-Government bodies without any control at all, but it is a fact of life that with a Socialist Government in power one tends to find too much control and too much direction from the Minister, who, while he may well be a very worthy individual, on occasion might not really be *au fait* with the functions of the particular corporation or trust over which he is given control.

Clause 9 (1) provides that the corporation may employ its own officers and servants for the purposes of the Act. Subclause (2) provides that all officers and servants employed by the corporation shall be entitled to be paid out of the funds of the corporation such remuneration as the corporation from time to time determines. It also takes these people away from the provisions of the Public Service Act. I am reminded again that His Excellency the Governor has recommended the appropriation of such amounts as may be required, and in my view this is another reminder of the cost of setting up a film industry, or the basic requirements of such an industry. I understand the Government estimates a slightly lower deficit than was originally budgeted for, but I wonder whether it is really counting the cost of this undertaking.

I said earlier that the Minister had explained that it was not intended that the corporation would enter into the role of film-maker. However, clause 10 *(a)* provides that one of the functions of the corporation is to undertake the production of films. The Premier has

made a public statement that it is not intended to produce films, and the Minister has said this in his explanation, so I wonder why this provision is in clause 10. Clause 11 provides:

The corporation has power to do all things necessary for the administration of this Act and, without limiting the generality of the foregoing—

(a) shall have the sole and exclusive right to produce, or arrange for the production of, film for or on behalf of the Government of the State or for or on behalf of any instrumentality or agency of the State or the Government of the State;

The corporation, therefore, will have the sole and exclusive right. One wonders in what way this will impinge on the opportunity for private enterprise to do work for the Government. Obviously, it means that private enterprise will be kept out from any such work. Paragraph *(b)* provides that the corporation may undertake film production on its own behalf or for any other person or organization. Why is it necessary to have clause 11 *(b)* as well as clause 10 *(a)*, which provides that the functions of the corporation include the production of films, after it has been made quite specific that this is not to be done?

In Part III the Bill deals with the appointment of the director, who will also be the chairman, and draws attention to the fact that the director shall be entitled to be paid out of the funds of the corporation such remuneration as may be determined by the Governor. He shall be the principal executive officer, as provided in clause 17, no doubt at a suitably high salary. Neither the director nor his deputy will be subject to the provisions of the Public Service Act.

Part IV covers the appointment of the advisory board, and clause 18 (1) provides that there shall be a board which shall be established on the day on which the first members thereof take office as such. We already have a provision regarding the appointment of three gentlemen to the film corporation. If one is so unfortunate as to miss out on one of the top jobs, there is the advisory board, which could provide consolation prizes for no less than seven persons. Once again, we have the provision that the Public Service Act, 1967, as amended, shall not apply to or in relation to the appointment of a member of the advisory board. This means that our friends on the board no doubt also will be paid, and this is just another cost of this additional semi-government body which no doubt will grow, as time goes by, and grow ,too, in its cost to the public of South Australia.

The Bill contains many other provisions. Part V covers financial provisions, and clause 22 spells out what I mentioned earlier regarding the appropriation. It provides:

Except to the extent that the funds of the Corporation might otherwise be sufficient for the purposes of the Act, the moneys required for those purposes shall be paid out of moneys provided by Parliament for those purposes.

In other words, it is going to cost the State money. This Bill is premature. I suggest that such a corporation may eventually (and I emphasize that the operative words are "may" and "eventually") prove a valuable asset to South Australia. I believe that the "great actor" (the Premier) has been carried away with delusions of grandeur. If this Bill is passed the corporation may prove to be very costly to the State for some time to come. As I said earlier, I shall listen with interest to the rest of the debate and to the Minister's reply, but at present I do not believe that I can support the second reading.

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

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4182.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading, but I must say that the provision of these vast salary increases to members of our Judiciary, whether those members be in the Supreme Court or in lesser jurisdictions, causes me great concern. It is some time since we last considered a Bill increasing judicial salaries, but since that time a Bill has been passed providing for free pensions for members of the Supreme Court. Such pensions were later extended to members of the Industrial Court, the Local and District Criminal Court, and the Licensing Court. Only the other day a free pension was extended to the Solicitor-General. Such pensions involve the State in a very considerable sum. Magistrates and senior public servants receiving salaries equal to magistrates' salaries are at present compelled to contribute toward their superannuation. It must cost such officers more than $2,000 a year for such contribution.

The Hon. R. C. DeGaris: Who is paying that sum?

The Hon. F. J. POTTER: It is being paid by magistrates who are not in receipt of free pensions and by senior public servants receiving

salaries equal to magistrates' salaries—say, about $13,000 a year.

The Hon. R. C. DeGaris: The pension is a proportion of the salary?

The Hon. F. J. POTTER: No.

The Hon. R. C. DeGaris: I am talking about the judges.

The Hon. F. J. POTTER: Those who must contribute for units in the South Australian Superannuation Fund and whose retirement pension will be based on the value of those units must pay at least $2,000 a year for that pension. When the Bill providing for free pensions for judges was introduced, the Government said that that was in lieu of a salary increase. All I can say is that the value of such pensions to the judges must be very great, because the pensions they will ultimately receive will be based on a percentage of their salary. I and other honourable members thought that, with the introduction of a scheme for free pensions, it would be a considerable time before there would be further increases in judges' salaries.

I am not suggesting that there should not be further increases in those salaries, because obviously changes will occur from time to time, but apparently the Government has decided that, from this point on, comparisons will be made with the salaries paid in other States. I do not know whether that is a sudden change in policy, because for a long time judicial salaries in South Australia were considerably lower than those in New South Wales and Victoria. The magnitude of the increases now being granted makes one wonder whether one should have agreed in the first place to a scheme for free pensions, because this Bill provides for a benefit that is over and above that very valuable benefit given only a short time ago.

Of course, I have a great respect for members of our Judiciary, and I do not want anyone to think that I am depreciating their work, but the plain fact is that the judicial work in this State, as a result of the introduction of the new local and district criminal courts, has been very considerably spread. At one time Supreme Court judges were carrying a very heavy load, but that load has been reduced.

The Hon. D. H. L. Banfield: They get more pay for less work?

The Hon. F. J. POTTER: In some respects it is a matter of more pay for less work. When that happens one wonders what the philosophy of this Government is. It holds the Judiciary and small groups of people like that somewhat in awe, and this Government has done very little to benefit the ordinary working man in material ways.

Probably the only reason I can think of for supporting the Bill at this stage is that the Government is in charge of the Treasury and, therefore, must be allowed a certain discretion to spend its money as it sees fit. However, I doubt whether the granting of these large increases, a high percentage of which will only be transferred back to the Commonwealth Treasury in the form of taxation, anyway, is a wise move. I support the second reading and will be interested to hear other members' contributions to the debate.

The Hon. E. K. RUSSACK (Midland): I realize that it is necessary for one to understand the onerous task that befalls His Honour the Chief Justice, and Their Honours the judges of the Supreme Court, who must receive just reward for the duties they are called upon to perform. These men occupy offices that demand the respect of the community and they must, therefore, obtain an adequate monetary return for their services. However, I consider that certain aspects of this Bill are out of perspective. I become confused in certain respects about the Government's attitude.

In his second reading explanation, the Minister briefly explained the reasons for these increases. However, he did not justify such steep increases. The sole reason the Minister gave for the increases was that increases of 20 per cent to 25 per cent have been granted in judicial salaries in New South Wales and Victoria. There is also the prophetic statement that the other States will shortly follow suit. I am confused about this matter, as only this afternoon on another Bill the Government refused to accept amendments that would have resulted in conformity, although New South Wales and Victoria had agreed to a certain situation. I cannot therefore follow the reasoning that, because other States have done something, it is necessary for us to do the same in this State.

The taxpayer has a right to know why the steep increases are being granted. In 1969, His Honour the Chief Justice received a salary of $19,400; in 1970, his salary was increased to $23,000; and now the Government seeks to increase it to $28,200. Therefore, the salary of the Chief Justice will have increased over the last three years by between 45 per cent and 50 per cent, or by $8,800. In 1969, Their Honours the judges of the Supreme Court received a salary of $17,500, which in

the same year was increased to $19,500; in 1970, their salary was increased to $21,000; and now it is to be increased to $25,750, an increase of $8,250, or about 47 per cent over that period. That increase is well above the average wage of many people in this State, and for this reason this Parliament should be hesitant in granting such sharp increases in salary.

The Hon. D. H. L. Banfield: What would they earn if they were out in the profession?

The Hon. E. K. RUSSACK: Although these gentlemen could earn more in the profession, they have chosen to serve their State in this field, and they have accepted their office with the full knowledge of what it demands and what salary they will receive from it. In any event, a person receiving a salary of over $10,000 a year loses half of it in taxation, so it merely involves a transfer of State money to the Commonwealth coffers.

The Hon. D. H. L. Banfield: But then it is returned to the States by way of grants.

The Hon. E. K. RUSSACK: Yes, it is a vicious circle. Persons receiving a salary between $3,000 and $7,000 a year pay the greatest percentage of taxation in this country, get the Chief Justice and the judges of the Supreme Court are to receive an increase appropriate to the full year's salary of many wage earners. Because this is a Government measure and because it concerns finance I will support the second reading, although I do so believing that the increases are out of perspective, the increases in salary of these men having been so steep over the last three years.

The Hon. R. A. GEDDES secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4185.)

The Hon. R. A. GEDDES (Northern): This is an interesting Bill, which is designed to bring the Commissioner of Police under the control of the Minister responsible for him. It appears difficult to spell out by amendment what sort of control the Minister may have over the Commissioner. It is therefore this Council's function either to accept or reject the Bill; there will be no shade of grey in handling it. In his second reading explanation, the Minister raised some interesting and debatable points. He referred in his explanation to the following statement made by the Royal Commissioner appointed to inquire into the moratorium demonstration:

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.

Of course, the words of the Bill are quite simple, that the Police Regulation Act shall be amended in section 21:

Subject to this Act the Commissioner and the directions of the Governor shall have the control and management of the Police Force.

Yet the second reading explanation uses sugared words, so that the Minister perhaps has in mind a situation where a compromise can occur. The Council is well aware that the Bill is the result of the Royal Commission that dealt with the problems of the moratorium march in September, 1970, where the Royal Commissioner recommended that there should be some political control of the Commissioner of Police. Whatever evidence I have read of the Royal Commission, the only evidence submitted dealing with the matter of the Commissioner of Police being under Ministerial control came from the Premier, the Hon. Mr. Dunstan. This could well be taken as a slight on the Commissioner's ability, but it depends on the way one reads it.

I do not think anyone could accuse the Commissioner of Police and his whole force of not having done a remarkably good job at the time. It is the evidence coming from that moratorium march that produces the exercise we have here today. As the evidence also points out and as history tells us, one thing that the Government wanted was that the Commissioner of Police should divert all the traffic from the North Terrace and King William Street intersection so that the demonstrators could be unrestricted in their form of protest, and it was said freely (we can read it in *Hansard* from another place) that the Premier spoke to the Commissioner of Police requesting him to agree to that.

One presumes that by this Bill, if the Minister gets this control, he will be able to direct the Commissioner of Police in a similar set of circumstances; but the Commissioner in the case of street demonstrations and moratorium-type complaints by the populace must have an extremely broad concept of the position from time to time. I venture to say it would be virtually impossible for the Minister to give a direction to a Commissioner of Police in those circumstances. One is mindful of what has been happening in Northern

Ireland during the last few demonstrations there. As we all know, the United Kingdom Government has said, "No public demonstration can take place." It was decided they would have a public demonstration and they outlined the route they would take, which the Army, the police and all the relevant authorities lined, either to prevent trouble occurring or to see that it was an orderly and controlled march. However, the organizers of the march immediately went the other way and had their march with virtually no trouble from the authorities because the authorities had all been placed elsewhere to control the marchers and prevent trouble.

If we look at the moratorium-type evidence we have, where the North Terrace and King William Street intersection was the point at issue, if the Commissioner of Police had accepted the advice of his Minister and the traffic had been diverted from this major intersection, all concerned—the Government and the police—would have looked most foolish if the marchers had ignored altogether that intersection and had sat down somewhere else. My point is that, if the Minister tried to be specific in his direction to the Commissioner of Police, which is the inference to be drawn from the second reading explanation and to be read from the evidence to the Royal Commissioner, the Commissioner of Police would then, if they did not sit down in North Terrace, be powerless because he would not have had his orders or directions from the Governor on which way to act. The Commissioner of Police (of whom, of course, all honourable members are extremely proud) must have, in my opinion, very wide powers to control his Police Force to the best of his ability.

From the letters we have been receiving lately as back-benchers, it appears to me that the police forces of Australia, speaking broadly, are having great difficulty in obtaining recruits and in maintaining that standard of discipline so essential to producing an efficient and fine Police Force such as we are used to, because of the problems of these moratorium-type marches and other organized demonstrations and their effect on the morale of the police. It must be very hard for all Commissioners of Police and their senior men to combat this and to encourage their police officers at this point of time. It is interesting to read that in America a little while ago some people were calling the police "pigs" and doing everything possible to prevent them carrying out their duties.

The Hon. H. K. Kemp: People have been calling the police "pigs" in this State, too.

The Hon. R. A. GEDDES: I thank the honourable member for his interjection. In America the students are now finding that they need the protection of the police, because the position has turned full circle: those would-be agitators have grown up and become more mature and are now realizing that they need an efficient Police Force to protect them; they now want to receive police protection.

Returning to the Bill, later in the second reading explanation the Minister states:

> The Commissioner 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.

As regards these words "not in the sense that he will be subject to censure for exercising his discretion", there is nothing in the Bill that will absolve or assist the Commissioner. If Parliament wishes to censure, what will it censure—the Ministerial control, with the implied inefficiency of the Commissioner of Police, or the Commissioner's actions and not necessarily the actions of the Minister?

I am wondering why it would not be possible, if we believe, as it appears from the wording of the second reading explanation, that the Government realizes there must be a degree of flexibility with the Commissioner of Police, that any censure should be a censure of the Minister and not of the Commissioner of Police. If someone is to get the blame the Minister concerned would perhaps try to blame someone else.

The Hon. A. J. Shard: Ministers don't do that.

The Hon. R. A. GEDDES: We are talking of the future. Human nature is such that it is not easy to take the blame oneself.

The Hon. T. M. Casey: What happens at present with other department heads?

The Hon. R. A. GEDDES: Other departmental heads are not Commissioners of Police; judges are another matter.

The Hon. T. M. Casey: What about the Commissioner of Highways?

The Hon. R. A. GEDDES: The conditions of the office of Railways Commissioner or Commissioner of Police are different from those of heads of departments. Each departmental head plays a different role, but he does not

have this great power and responsibility which the Commissioner of Police must have in order to carry out his operations effectively.

The Hon. A. J. Shard: They all have that responsibility to some degree.

The Hon. R. A. GEDDES: Do you mean regarding impartiality?

The Hon. A. J. Shard: No, the responsibility of departmental heads.

The Hon. R. A. GEDDES: That is another matter. I do not think that departmental heads are in the same category as the Commissioner of Police.

The Hon. A. J. Shard: They're not far removed, as far as I am concerned.

The Hon. R. A. GEDDES: Is there an Act of Parliament setting out what the Director of Agriculture has to do or not do?

The Hon. A. J. Shard: Surely you must admit that the Director-General of Medical Services has great responsibility?

The Hon. R. A. GEDDES: Yes.

The Hon. A. J. Shard: It's a matter of priorities.

The Hon. A. M. Whyte: He doesn't often get kicked or spat on.

The Hon. A. J. Shard: You couldn't have read the media a few weeks ago.

The Hon. R. A. GEDDES: I still maintain that there is a difference.

The Hon. T. M. Casey: We all agree with that.

The Hon. R. A. GEDDES: I believe that that difference should remain.

The Hon. A. J. Shard: We have convinced you.

The Hon. R. C. DeGaris: The Director-General of Medical Services must interpret Government policy. Should the Commissioner of Police do likewise? That is the point.

The Hon. R. A. GEDDES: The Commissioner of Police must have complete authority, but the Government wants to have some control over him. As I said earlier, it is a clear-cut Bill and it will be either "Yes" or "No", because there would appear to be little room in which to manoeuvre or give power to the Minister on how far he can direct the Commissioner of Police. Page 718 of the transcript (when Mr. McKinna was asked whether he thought there should be Ministerial control of the force) contains the following passage:

"You feel, however, that the Commissioner of Police for the time being ought to have the responsibility of making these decisions," he said, "I think so, otherwise as Governments change you would have or could have as far as political demonstrations are concerned one thing one year and something entirely different the next."

That is a tough kernel to crack. The political type demonstration could well vary with the political views of the day and the way in which the Government would like to see these demonstrations handled. I have been trying to relate in my mind whether an Army commander could afford to have this kind of control over his men in the field. It would not work, and it never worked in the past when successive war-time Prime Ministers tried to direct their commanders in the field; the decisions were never good. This applied to Sir Winston Churchill and to the Australian Government when it made suggestions to our Army commanders. With the moratorium semi-political type demonstration, the Bill will lead to failure.

The whole of the second reading explanation deals virtually with the evidence given to the Royal Commission, but this control will be permanent. There is no police station at Wilmington; the people there might want to draw up a petition to have a police officer stationed there. I am worried about the future situation, because this legislation is to provide for important occasions.

The Hon. T. M. Casey: They haven't experienced any problem in other States.

The Hon. A. J. Shard: The Minister doesn't have the authority to do this, if you read the Bill.

The Hon. R. A. GEDDES: I have read the Bill. Section 21 of the Act provides that, subject to the Act and the direction of the Government, the Commissioner of Police shall have the control of the Police Force.

The Hon. A. I. Shard: Any direction goes through Executive Council.

The Hon. R. A. GEDDES: It does not go through Executive Council.

The Hon. A. J. Shard: The Minister cannot do anything himself.

The Hon. R. A. GEDDES: We have had evidence of Executive Councils which have been dictated to.

The Hon. A. J. Shard: The point you made was that the Minister would do trivial things, but no Executive Council would permit him to do trivial things.

The Hon. R. A. GEDDES: I will delete the reference to the Wilmington police station.

The Hon. A. J. Shard: You've been arguing against the Minister having control, but the Minister doesn't have control.

The Hon. R. A. GEDDES: In the second reading explanation, the excuse used by the Government for introducing the legislation is because of the importance of moratorium marches. However, there must be occasions when, instead of the approval of Executive Council being obtained, some other direction could be given to the Commissioner of Police, admittedly with the safeguard that it must be published in the *Government Gazette* and brought to Parliament. Although such an excuse is important, there will be other less important circumstances arising in years to some, and this I do not like. The Minister, in interjecting, said, "It does not happen in the Eastern States." I have no record of what happens there; I am more concerned about what may happen in South Australia. I will support the second reading of the Bill, but I give no guarantee that I will support the third reading.

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

[*Sitting suspended from* 6.2 *to* 7.45 *p.m.*]

APPOINTMENT OF DEPUTY PRESIDENT

The Clerk having announced that, owing to the unavoidable absence of the President, it would be necessary to appoint a Deputy President,

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

That the Hon. C. R. Story be appointed to the position.

The Hon. R. C. DeGARIS (Leader of the Opposition) seconded the motion.

Motion carried.

The DEPUTY PRESIDENT took the Chair.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4187.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise to support the second reading of the Bill. As the second reading explanation points out, the replacement of section 63 of the Lottery and Gaming Act is made by a new provision in the Police Offences Act, and that is part of what this Bill does. The first amendment achieves this purpose. I think every honourable member would agree that the move-on provision in the Lottery and Gaming Act is quite an important measure in relation to containing a situation or preventing violence occurring; in other words, nipping in the bud something that is likely to occur.

The Lottery and Gaming Act is where the provision now lies, and it was originally put in that Act to deal with what are commonly known as "cockatoos" in gaming establishments. All honourable members will agree that the removal of this provision from the Lottery and Gaming Act to the Police Offences Act is reasonable. The original provision for the move-on clause was in the Police Act in 1904 and from there, by a rather strange process, it found its way into the Street Obstruction Bill of 1907 and then into the Gaming Suppression Bill of 1907. We have had a procession of move-on clauses from the Police Act to the Street Obstruction Bill to the Gaming Suppression Bill, and that probably accounts for its appearance finally in the Lottery and Gaming Act.

There is no doubt that it is an important provision. Six or seven years ago, under the previous Labor Government in South Australia, a move was made to transfer the provision from section 63 of the Lottery and Gaming Act to the Police Offences Act, but at that stage the provision had been so watered down that the Council decided it was preferable to leave things alone rather than to make a change. The present provision in the Lottery and Gaming Act is as follows:

> No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

The provision being inserted into the Police Offences Act is a trifle different but, I think, acceptable. Clause 3 provides:

> Section 18 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—
>
> (2) Where a person is loitering in a public place and a member of the police force believes or apprehends on reasonable grounds—
>
> *(a)* that an offence has been or is about to be committed by that person or by others in the vicinity;
>
> *(b)* that a breach of the peace has occurred, is occurring or is about to occur in the vicinity of that person;
>
> *(c)* 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
>
> *(d)* that the safety of that person or of others in the vicinity is in danger,

the member of the police force may request that person to cease loitering.

(3) A person of whom a request is made under subsection (2) of this section shall cease loitering and shall leave the place in which he was loitering and the area in the vicinity thereof.

Penalty: Fifty dollars or imprisonment for three months.

One can see that there is some difference between the straightout provision in section 63 of the Lottery and Gaming Act and the replacement provision in the Police Offences Bill. I do not think anyone could claim that the move-on provisions in the Lottery and Gaming Act have been used to the detriment of anyone's liberty; indeed, looking at the totality of society, one could find any number of cases where the provision was used and may well have been objected to by the person being moved on, but nevertheless was used in such a way as to prevent some serious public disturbance. I do not think anyone could bring evidence that this provision has been used by the police, over the 66 years in which it has existed in our Statutes, to the detriment of the people of South Australia. The police at any time could move on a person who was loitering.

Under this provision, a member of the Police Force must believe or apprehend on reasonable grounds before he can take any action. We all know what "believe" means, but I had trouble in ascertaining the meaning of "apprehend". I went to the *Oxford Dictionary* and found a number of meanings. Let us look at the clause and the meanings of the word "apprehend":

Where a person is loitering in a public place and a member of the police force believes or apprehends on reasonable grounds . . .

"Apprehend" means "to grasp the meaning of", "to understand", "to conceive", "to entertain suspicion or fear of", "to anticipate", "to learn", "to become or become conscious of by the senses", "to lay hold of with the intellect", "to see", "to catch the meaning of", "to take as", or "to anticipate with fear". That is a very wide range of meanings, but the phrase that most appeals to me is "to entertain suspicion or fear of". Thus the amendment becomes:

Where a person is loitering in a public place and a member of the police force believes or entertains suspicion or fear of on reasonable grounds . . .

The word "apprehend" widens the scope of the police considerably. I cannot remember the exact wording of the previous amendment defeated by the Council, but it was so weak in its phrasing that I do not think any member of the Police Force would have been empowered to move anyone on. Every honourable member would agree, I am sure, that this is a very worthwhile provision in maintaining law and order.

We have a slight problem, and I hope the Chief Secretary will not misunderstand what I am about to say. There is a difficulty, because if the provision in the Lottery and Gaming Act is removed and that Bill is agreed to, and this Bill passes without the Government's proclaiming it—

The Hon. A. J. Shard: We wouldn't do that.

The Hon. R. C. DeGARIS: I realize that, and I would like the Chief Secretary to hear me out, as I am not speaking disparagingly of the present Government. We must ensure that the provision is transferred, and I respect the Chief Secretary's assurance in this respect. However, in these days, in which odd things are happening politically, a totally new Government could be in office in three months; these things cannot be predicted. The Council would, therefore, be wise in taking notice of what I am saying. Although other honourable members may not agree with this view, I assure the Chief Secretary that if the Lottery and Gaming Act Amendment Bill goes into Committee and is then held over until the next session, it will pass during that session. This Council must maintain that much control of the situation. The other provisions in the Bill have been recommended to the Government by the Royal Commissioner appointed to inquire into the recent moratorium demonstration. As I see nothing in those provisions to which I can object, I support the second reading.

The Hon. A. M. WHYTE (Northern): I have followed closely what the Leader has said. The main object is to ensure that this provision is included in either the Police Offences Act or the Lottery and Gaming Act. It is already included in section 63 of the latter, which is similar to the provision contained in section 18 of the former. The only difference is that it will be cheaper for one to be prosecuted for loitering under the Lottery and Gaming Act than it will be under the Police Offences Act, as the penalty is $10 less under the Lottery and Gaming Act. This provision should remain on the Statute Book, although it does not matter in which Act it is contained. I suppose the Police Offences Act is the more appropriate of the two Acts in which to have this provision, which enables a policeman to take action on his own initiative and before any trouble starts.

It is ludicrous to take away from members of the Police Force the right to defend themselves or to quell any trouble that arises. This is one provision that the Police Force regards as being essential to its proficiency. From reading the various things that have been said in another place regarding this Bill, it would appear it is feared that the police will shift people on without good reason for doing so. Although I do not say that there are no officious policemen who would do this, the few people who are wrongfully moved on, compared to those who have been moved on to the public's benefit, would be a minimal consideration.

The police must not have any more of their powers eroded. It is not right to put a man in uniform (be he a soldier or a policeman), give him a task to do, and then say, "These people can kick you or do what they like but you must not do anything." One finds, however, that many of our laws are doing just this. I do not think there is anything wrong with section 63 of the Lottery and Gaming Act, which is to some extent being watered down by this Bill. I have no objection to this provision being removed from the Act and becoming a part of the Police Offences Act. I agree entirely with the Leader of the Opposition that it must be contained in one Act or the other.

The Hon. A. J. Shard: I will give you an undertaking which affects both Bills simultaneously and which will satisfy you.

The Hon. A. M. WHYTE: If that is so, I have no objection to the Bill. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. A. J. SHARD (Chief Secretary): I give honourable members the unqualified assurance that this Bill will not be proclaimed until the Lottery and Gaming Act Amendment Bill is proclaimed. The Deputy Premier has informed me that the Premier has given a similar undertaking in another place. These two Bills will be proclaimed, as soon as practicable, on the same day. I realize that the police need a provision such as this, and I would be the last one to whittle away their powers in any way. There is, therefore, nothing to fear in this respect, and any move in this direction will be made fairly and squarely in the interests of the Police Force and the public of this State.

Clause passed.

Clauses 3 and 4 passed.

Clause 5—"Regulation of crowds."

The Hon. R. C. DeGARIS: I thank the Chief Secretary for allowing the debate to be adjourned previously. The main aspect of this Bill that concerned me was the loitering provision. I decided that I would like to examine more closely clause 5, which amends section 59 of the Act, which deals with the power of the police, the mayor of a municipality or the chairman of a district council to give directions regarding the control of crowds on special occasions. This clause merely inserts the word "reasonable" so that the police, the mayor of a municipality or chairman of a district council shall have power to give reasonable directions. A penalty is provided for a breach of the provision. There could well be the situation where someone said, "I will not take any notice of it because it will come to a confrontation between me and the police, and this becomes unreasonable." However, after talking to the Parliamentary Counsel and the Chief Secretary, I am happy with the clause as it stands.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4186.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Everything I have said regarding the Police Offences Act Amendment Bill applies also to this Bill. However, because I wanted to check one aspect of the other Bill, I asked the Hon. Mr. Springett to secure the adjournment of the debate on that Bill. Once that matter has been cleared up, the Council can proceed with the Police Offences Act Amendment Bill. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. R. C. DeGARIS: I was wondering whether the Chief Secretary would be prepared to report progress so that I could make some further inquiries.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: I am prepared to accept the unqualified and sincere undertaking that has been given by the Chief Secretary, who is a man of honour, although I have

raised the point that he may not be able to carry it out.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

ADELAIDE FESTIVAL CENTRE TRUST 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.

This short Bill somewhat enlarges the powers of the Adelaide Festival Centre Trust in the field of construction of works and facilities. At the moment the powers of the trust are limited to construction on land vested in it and land that may be vested in it. As the plans for the festival centre are developing, it appears that the powers of the trust are deficient in two respects—*(a)* first, it needs power to go outside its own land to provide suitable means of access to the general area of the festival centre and this will entail it building means of access over some Crown land and some land vested in the South Australian Railways Commissioner; and *(b)* secondly, it seems desirable that it should have additional powers in relation to the reinstatement of buildings, etc., cleared from trust land.

In amplification of paragraph *(b)*, honourable members will recall that the land vested in the trust was vested by Statute. Thus, it did not cost the trust anything in money terms. In an analogous commercial situation, of course, part of the price to be paid for the land would relate to the cost of moving and, if necessary, reinstating buildings that were on the land. Accordingly, it is suggested that it is reasonable that the trust should assume this responsibility. In broad terms this will involve the construction of certain buildings for the Railways Commissioner and the removal and possible relocation of the Elder Park sound shell and kiosk. These additional powers are conferred on the trust by the amendment set out in clause 2. At the same time, opportunity has been taken at clause 3 to assert formally Treasury control over borrowings of the trust that are guaranteed by the Government. This formal control is necessary to meet the requirements of the Australian Loan Council.

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

PUBLIC ASSEMBLIES BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4184.)

The Hon. G. J. GILFILLAN (Northern): I find it difficult to view this Bill enthusiastically because it appears to achieve virtually nothing. As I read it, it will do very little good and probably cause very little harm. It enables any group of people that wishes to use a public roadway or other place as defined in the Act as a public place and, if that group applies to have a choice of authorities—the Chief Secretary, the Commissioner of Police or the clerk of the council of the area in which the assembly is to be held—and such permission is granted, then it may hold the march or assembly without creating a penalty under another provision of the Police Offences Act.

It appears to me that this situation is already reasonably well covered in the Police Offences Act, which provides:

> The Commissioner of Police and the mayor of any municipality and the chairman of a district council district has the power to give directions, either in writing or orally or in any other manner for regulating traffic of all kinds, preventing obstructions, maintaining order, in any street, road or public place on any special occasion.

This appears to me to be more of an effort to whitewash certain events that happened in our streets and caused much concern at the time, but as a measure of importance it seems to have no teeth. If the permission requested is refused, the person or persons requesting the permission may apply to a judge. The Bill provides that objections may be heard and determined by a judge without formality. There is no mention anywhere in the Bill of a penalty for non-compliance, and the organization or the persons concerned are left with the choice of whether or not they shall apply. No doubt, a law-abiding person wishing to assemble or take part in a march or procession would normally seek permission, which is already provided for in the Police Offences Act; but the person who wants to shock the public and is likely to be unruly and cause a disturbance is, of course, unlikely to seek permission, and there is nothing in this Bill to say that he shall.

I can readily see that to write into the Bill that these persons shall seek permission and to impose a heavy penalty for non-compliance could create difficulty in many instances where small spontaneous groups might gather for a lawful purpose and, if the penalties and the conditions restricted them, it could cause a problem in that direction. So, without condemning the Bill absolutely, I think it is a pretty poor effort by those who conceived it to overcome a problem

that occurs from time to time in our streets. I cannot muster enthusiasm for the Bill, but I cannot see that it will do very much harm.

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

MISREPRESENTATION BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3801.)

The Hon. A. J. SHARD (Chief Secretary): In reply to a point raised during the second reading debate, I inform honourable members that lengthy negotiations were conducted with the Law Reform Committee and the Law Society. The amendments that I shall move during the Committee stage are a result of those negotiations. Generally speaking, the organizations I have referred to, while perhaps not totally satisfied with the Bill, are mainly satisfied with it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Misrepresentation made in the course of a trade or business."

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

In subclause (3) to insert the following new subparagraph:

"or

(ii) that the defendant did not know, and could not reasonably be expected to have known, that the representation had been made, or that it was untrue";

and to insert the following new subclauses:

(9) Proceedings for an offence against this section shall not be commenced unless the Attorney-General has consented to the commencement of those proceedings.

(10) In any proceedings for an offence against this section, an apparently genuine document purporting to record the consent of the Attorney-General to the commencement of those proceedings shall be accepted as proof of that consent in the absence of evidence to the contrary.

The first of the amendments is designed to expand the defences available to a person charged under clause 4 in respect of a misrepresentation made in the course of a commercial transaction. There may be some cases in which an agent acts with a good deal of independence, and it is not reasonable to expect his principal to know that the representation has been made or that it is untrue. The amendment affords a defence in such cases. The second of the amendments inserts new subclauses (9) and (10). The purpose is to provide that a prosecution under the new section shall not be commenced without the consent of the Attorney-General. These subclauses will act as a safeguard against malicious or irresponsible prosecutions under this new provision.

The DEPUTY CHAIRMAN: I point out that honourable members have on file an amendment to be moved by the Hon. Mr. DeGaris to subclause (2), which comes before the part of the clause that the Chief Secretary wishes to amend.

The Hon. A. J. SHARD: I seek leave to withdraw my amendments temporarily.

Leave granted; amendments temporarily withdrawn.

The Hon. R. C. DeGARIS: I have had my amendments drafted for some time, but I wanted to hear the Chief Secretary's explanation. Since the Government had previously adjourned consideration of this Bill, I realized that it would move amendments. I move:

In subclause (2) to strike out "a misrepresentation in fact acted as a material inducement to any person" and insert "a person was reasonably induced by a misrepresentation".

I wanted to see what the Chief Secretary's amendment was before I filed mine. One of the points developed in the second reading debate was that innocent misrepresentation was being made a criminal offence, but a defence mechanism was available to any person accused of it. There was considerable apprehension that innocent misrepresentation would be a criminal offence and that the onus of proof was being reversed. In other words, a person charged with misrepresentation had to prove his innocence. I think that honourable members would still take exception to this procedure.

In discussing the matter privately, it seemed that one of the ways of handling it would be as the Chief Secretary has done in his amendment, but I do not think that that goes far enough. I cannot accept that the reverse onus of proof should apply. If a person has knowingly, with knowledge of its falsity, made a representation, I believe that should be a criminal offence. I do not object to that, but I believe that it must be proved to be so. Few examples of criminal offences can be found where the reverse onus of proof applies. I still feel that innocent misrepresentation should not in any circumstances be a criminal offence. In the English Misrepresentation Act there is no criminal offence: the criminal offence lies in the Trades Description Act, which contains a much narrower appreciation of this situation than does the Bill before us.

If my amendment is carried, I shall move to insert other words which will ensure that the misrepresentation is false in a material particular and is made by a person with knowledge of its falsity or made recklessly and regardless of whether it is true or false.

I believe my amendment puts the situation where it should be; that, if proved, would be a criminal offence. The Chief Secretary's amendment still keeps the situation where there is a reverse onus of proof with a defence, but the only check is that the Attorney-General must give a certificate before proceedings can commence; that does not go far enough to satisfy me.

The Hon. A. J. SHARD: The Government is unable to accept the amendment or the Leader's arguments. I have been told that the amendment would mean that a case of fraud would have to be proved. Fraud cases are difficult to prove. As the amendment limits the prosecution to such a narrow field and removes much of the value of the Bill, I ask the Committee to reject it.

The Hon. A. F. KNEEBONE: How could a person reasonably induce and still commit a misrepresentation?

The Hon. R. C. DeGARIS: Much more of the word "reasonable" will be heard in the Police Offences Act debate. What it means is that it is reasonable that the person was induced by a misrepresentation. If the Minister does not like "reasonable", perhaps he will move an amendment to remove it.

The Committee divided on the amendment:

Ayes (8)—The Hons. M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter, E. K. Russack, and V. G. Springett.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, C. M. Hill, A. F. Kneebone, A. J. Shard (teller), and A. M. Whyte.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS moved:

In subclause (3) to strike out paragraph *(a)* and the word "or" immediately following that paragraph; and in subclause (4) to strike out "it is false in a material particular" and insert:

(a) it is false in a material particular; and

(b) it is made by a person—

(i) with knowledge of its falsity; or

(ii) recklessly and regardless of whether it is true or false."

The Hon. C. M. HILL: Can the Leader of the Opposition explain to me why he is taking out lines 2 to 5, which deal with the case of the actual person by whom the representation was made, whereas, as I understand it, in this amendment he is not taking out the lines, say, from 5 to 10 which deal with the case where the defendant is not the actual person or the principal, and in which latter case the suggested offence is made by an agent for the principal? If one entity, namely, the principal who makes the recommendation, is being excluded, then surely the principal whose agent makes the representation should also be excluded.

The Hon. R. C. DeGARIS: We are dealing with subclause (3), which is a defence clause. My amendment changes from the point where there is now no onus of proof. The Crown must prove misrepresentation on the grounds stated. There is no need for paragraph *(a)* of the subclause; it is a defence that the person by whom the representation was made believed upon reasonable grounds that the representation was true.

Amendment carried.

The Hon. A. J. SHARD moved:

In subclause (3) to insert the following new subparagraph:

or

(ii) that the defendant did not know, and could not reasonably be expected to have known, that the representation had been made, or that it was untrue;

and to insert the following new subclauses:

(9) Proceedings for an offence against this section shall not be commenced unless the Attorney-General has consented to the commencement of those proceedings.

(10) In any proceedings for an offence against this section, an apparently genuine document purporting to record the consent of the Attorney-General to the commencement of those proceedings shall be accepted as proof of that consent in the absence of evidence to the contrary.

The Hon. F. J. POTTER: I support the amendments moved by the Chief Secretary. They have very little to do with the amendments moved by the Hon. Mr. DeGaris. They provide further safeguards in connection with defences by people who were not the people who made the representation in the first place. The extension of that defence is satisfactory and it is very desirable that in this kind of prosecution the Attorney-General should give a certificate. It is one way of dealing with cases where perhaps there has been some misrepresentation or some restitution has been made and there are good grounds why proceedings should not be commenced. Both of these amendments are worthy of support, and they do not really impinge upon the other amendment.

The Hon. C. M. HILL: I support the amendment of the Chief Secretary and the reasons advanced by the Hon. Mr. Potter. I thank the Chief Secretary and the Government for going to such trouble in liaison with the

Law Society and possibly the Law Reform Committee. I listened with interest to the explanation of the Chief Secretary as to whether or not the Government completely agreed with the draft the Law Society proposed to introduce. Final agreement possibly was not reached, but I presume the Government and the Law Society got as close as possible under the circumstances.

Amendments carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—"Damages for misrepresentation."

The Hon. A. J. SHARD: I move:

In subclause (3) after "contract" second occurring to insert "on the ground of misrepresentation".

This is merely a drafting amendment, which is designed to improve the wording of subclause (3), and it does not in any way affect the meaning of the subclause.

Amendment carried; clause as amended passed.

Clause 8—"Exclusion clauses."

The Hon. A. J. SHARD: I move:

To strike out "(whether made before or after the commencement of this Act)".

The amendment merely makes the wording of clause 8 consistent with that of clause 9.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 12) and title passed.

Bill read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS BILL

In Committee.

(Continued from March 22. Page 4099.)

Clause 5—"Interpretation."

The Hon. F. J. POTTER: I move:

In paragraph *(a)* of the definition of "harassment" before "vehicle" to insert "marked".

It seems to me that what is principally aimed at is the prevention of the practice of debt collectors suddenly appearing in a street with a marked vehicle of some kind showing that they are visiting the area and certain houses in the street, and this causes embarrassment to people. It seems to me that the Act attempts to prevent this practice. However, in an attempt to solve one problem the whole dragnet is thrown out. I do not think that the definition of "harassment" has to be restrictive on other classes of agent, particularly inquiry agents going about their lawful business.

It is common for an inquiry agent to have to station his vehicle in a street to keep a person under surveillance, and it may be necessary for a commercial agent to do this when it is suspected that a debtor will decamp. When a debtor intends to leave his address and it is necessary for a warrant to be issued, the collector must rely on evidence that the person has moved or has expressed an intention to move to avoid the payment of debts. I think the provisions go too far, although clause 41 provides that harassment must be such that it is, in the board's opinion, unfair or improper. Despite those words, which perhaps water down the effect of this provision, it is ridiculous to go to such an extent.

The Hon. T. M. CASEY (Minister of Agriculture): I cannot agree to the amendment, which the Government considers is unnecessary. Clause 41 is the only clause that mentions unfair or improper harassment. So, unless the harassment is proved to be unfair or improper, the agent does not run any risk of disciplinary action. I am sure that the Hon. Mr. Potter knows what that implies. I ask the Committee to reject the amendment.

Amendment negatived.

The Hon. F. J. POTTER moved:

In paragraph *(a)* of the definition of "harassment" after "vehicle" to insert "or sign".

Amendment negatived.

The Hon. F. I. POTTER moved:

In paragraph *(a)* of the definition of "harassment" to strike out "or under surveillance".

Amendment negatived.

The Hon. F. J. POTTER moved:

In the definition of "harassment" to strike out paragraph *(b)*.

Amendment negatived.

The Hon. L. R. HART: There is an amendment on file to delete the definition of "loss assessor". A person acting as a loss assessor, although if the amendment is carried he may not be named in the Bill, could at some time become an inquiry agent: by the very nature of his operations, he must be an inquiry agent. If a loss assessor is not named in the legislation but operates as a loss assessor, I assume that, when his operations require him to act as an inquiry agent, he will be covered by the provisions in the Bill.

The Hon. T. M. CASEY: "Loss assessor" is defined in the Bill and so also is "inquiry agent".

The Hon. R. C. DeGARIS: I move:

To strike out the definition of "loss assessor".

This amendment deals largely with the point that I should like to strike out clause 48 which, even if not struck out completely, is still, in my opinion, unworkable and will need substantial amendment. I would not be alarmed at any

legislation dealing with the registration or control of loss adjusters, but such a provision should not appear in this Bill. Already the Institute of Loss Adjusters, formed about seven years ago, has a prime object of securing and elevating the standards of loss adjusters. Shortly, it will be getting its Royal Charter, and to bring that group of people into this Bill appears to be the wrong way of going about it. I assure the Government that, if it wishes to introduce legislation to control the code of ethics or in some way to create a register of loss adjusters, I shall be prepared to deal with the matter in that way, but not in this Bill.

The Hon. C. M. HILL: I believe, too, that loss assessors should be excluded from this legislation. I accept that some years ago the operations of some of these people were questionable, but in recent years they have established their own code, and as a group they maintain high standards and see to it that such standards are maintained.

The Hon. D. H. L. Banfield: Is everyone within that group?

The Hon. C. M. HILL: To the best of my knowledge, yes. The principle of an institute taking charge of its affairs, straightening out the operations of its members, and reaching high standards of business or professional ethics is the best way for it to operate, far better than having the Government bringing down legislation which must be obeyed. This is a group of people who are helping themselves. They have now reached the standard where, as a professional institute, they deserve to be left alone to handle their own affairs. The institute expects shortly to receive the Royal Charter, so I do not think it should be caught up in legislation.

The Hon. M. B. DAWKINS: Loss assessors should not be included in this Bill. If the Government finds it necessary to do something about loss assessors, they should be dealt with under separate legislation. In that event, I would be willing to consider the matter.

The Hon. T. M. CASEY: I never cease to be amazed at some of the statements made by honourable members. Why single out loss assessors? Why not single out others? The whole purpose of this measure is to ensure adequate protection for the public. I hope the loss assessors do come under Royal Charter; perhaps it may be a good idea if they were knighted as well. However, I do not see what that has to do with their inclusion in this Bill. I agree that these people have the highest ethics of business administration, so they have nothing to fear.

The Hon. F. J. POTTER: The Minister has asked why loss assessors should be removed from the provisions of the Bill and why this should not be done for other agents. Loss assessors are included in this Bill for only one reason; the provisions of clause 48. Other agents are subject to restrictions of all kinds. They have to keep books, in some cases they have to have an audit, they must carry on business in certain licensed premises, they are subject to certain disabilities in obtaining a licence, and they have to be subject also to investigations and inquiries. On the other hand, the loss assessor is included only in clause 48, which provides that a loss assessor must not settle or compromise, or attempt to settle or compromise, any claim in relation to loss or injury arising out of the use of a motor vehicle or injury arising out of or in the course of employment after proceedings have been instituted in any court in respect of that loss or injury. If they know of the institution of court proceedings by any person, loss assessors do not do that now. Even if this section were to apply to them, I think it goes too far. How could they be made liable when they may not know? Quite apart from the pro and con, whether there is an onus of proof, that is the only thing that the loss assessors have to worry about. They are nothing like the other categories; nor do they have the disabilities and the provisions applicable to them. The only problem is that they will have certain problems in connection with the carrying out of their investigations. I realize that the reputation of these people was not very good some years ago, but they have certainly put their house in order now and should, therefore, be excluded from the provisions of the Bill. If one is a loss assessor employed by a solicitor, one is not liable to registration or licensing. Indeed, some large firms of solicitors have their own loss assessors on their staffs.

The Hon. C. M. Hill: This would favour the solicitors a little.

The Hon. F. J. POTTER: It draws a certain invidious distinction between people perhaps less qualified than members of the institute, who do not have to worry about licensing or anything of that kind. In the limited application of section 48, there is no good reason why this provision should remain. I therefore support the amendment.

The Hon. R. C. DeGARIS: I agree entirely with the views expressed by the Hon. Mr. Potter. It is interesting to note that the legislation regarding private agents in other

States does not mention loss assessors. Although I do not necessarily say we should follow that legislation, there is an overwhelming case, when considering my previous argument and those of the Hon. Mr. Potter and the Hon. Mr. Hill, for this provision to be excluded. Many people who come across to South Australia from Melbourne regularly will have to be covered by the legislation.

The point raised by the Hon. Mr. Hart, which was a good point, has not been dealt with. An inquiry agent is a person obtaining evidence for the purpose of any illegal proceeding. If the provision regarding loss assessors is removed, will a loss assessor become an inquiry agent when making an inquiry? I should think that person will have to be licensed as an inquiry agent before he can make any inquiries. This appears to be an anomalous situation, which needs clarification.

The Hon. C. M. HILL: The Government has introduced legislation providing that those carrying on the work of loss assessors must be licensed. If, however, the loss assessor works for a solicitor he does not need to be licensed. If that is not an inconsistency, I do not know what is. Is there a reason why the Government permits solicitors to employ loss assessors without licence, completely free from the problems of legislation and control, yet when a person sets up on his own account as a loss assessor he comes within the net? I ask the Minister further to consider this matter.

The Hon. T. M. CASEY: I thought I had already answered the point raised by the Hon. Mr. Hart and the Leader of the Opposition. It is already provided in the Bill that if a person is a loss assessor he must be licensed and, if he performs the functions of an inquiry agent, he must obtain another licence. Regarding the point raised by the Hon. Mr. Hill, clause 6 (c) provides that the legislation shall not apply to any legal practitioner while acting in the ordinary course of his profession or to any clerk of a legal practitioner while acting in the ordinary course of his employment.

The Hon. M. B. CAMERON: I do not know whether the Hon. Mr. Hart is satisfied with the reply he has received. Am I to believe that evey loss assessor must have two licences?

The Hon. T. M. CASEY: I do not think you were here when the Hon. Mr. Hart asked his question. You are only wasting time. I think you should ascertain from the honourable member what question he asked.

The Hon. L. R. HART: The more I hear, the more convinced I become that a loss assessor, if he is going to operate, must have more than one licence. I think the Minister would agree that he cannot make investigations unless he has an inquiry agent's licence. If that is the situation, the provision regarding loss assessors may as well be left in the Bill. A solicitor can employ a loss assessor, who does not need a licence. I suggest that the Minister report progress so that he can investigate these matters and return with a reply that will satisfy honourable members. I do not want to be difficult at this late hour but I should like a clear and concise answer to what I thought was a very simple question.

The Hon. F. J. POTTER: If this Bill goes through either in its present or in its amended form, there are many people engaged in various activities who will require perhaps more than one licence. I can easily see where a person would need a commercial agent's licence, an inquiry agent's licence, a process server's licence and, if it is left in the Bill, a loss assessor's licence, too. Some people will require at least four licences to do their work adequately and properly. Whether or not that is desirable I do not know. I suppose they would have to pay four licence fees. The problem arises from the definition of "inquiry agent".

A person requires an inquiry agent's licence only if he is "obtaining or providing information as to the personal character"—and that would not arise in the course of a loss assessor's work; "or action of any person"—probably; "or as to the business or occupation of any person"—that is difficult; or "obtaining evidence for the purpose of any legal proceedings"—again, that is difficult. Much of the information that the loss assessors get is not initially gathered for that reason but it can finish up being used as evidence for legal proceedings. Loss assessors certainly do not search for missing persons, although they may do so in the case of hit-and-run drivers. Whether or not a person is separately licensed, he may require an inquiry agent's licence under the provisions of this Bill. If that happens, he will have to worry about the provisions of clauses 30 to 38, which may apply to his activities.

The Hon. R. C. DeGARIS: I accept that a loss assessor may have to have an inquiry agent's licence. If he is searching for a missing person or if he is obtaining evidence that may end up being used in legal proceedings, to cover himself he would need an inquiry agent's licence. I am prepared to accept that, although

I do not think it is desirable. That still does not alter the fact that there is no justification for loss assessors being dealt with in this Bill in clause 48, which bears no relationship to the rest of the Bill. Although the loss assessor, even if reference to him is taken out of the Bill, has to get an inquiry agent's licence, it is not desirable. However, I am prepared to accept this but am not prepared to accept that the loss assessor is covered by the rest of the Bill.

The Committee divided on the amendment:

Ayes (11)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller). R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, F. J. Potter, E. K. Russack, V. G. Springett, and A. M. Whyte.

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

Majority of 7 for the Ayes.

Amendment thus carried.

The Hon. T. M. CASEY: I move:

After the definition of "officer" to insert "'order' includes decision, direction or declaration:".

The Bill will need to be recommitted to deal with clause 3. This amendment makes it clear that, where the Bill deals with an "order" of the board, that word includes a reference to any decision of the board. Thus, an appeal will lie to the Supreme Court against all decisions of the board.

Amendment carried: clause as amended passed.

Clause 6—"Application of Act."

The Hon. T. M. CASEY: I move to insert the following new paragraph:

(da) a person licensed under the Land Agents Act, or the Business Agents Act, while acting in the ordinary course of business conducted in pursuance of the licence;".

This amendment makes it clear that a land agent or business agent does not require a licence under the new legislation so long as he is merely acting in the normal course of his business as a land agent or business agent.

Amendment carried; clause as amended passed.

Clause 7—"Establishment of board."

The Hon. F. J. POTTER: I move:

In subclause (2) to strike out "four" and insert "five".

The amendment brings about an increase in the number of board members from four to five, and later amendments will provide that at least two of those five members shall be comprised of persons who are in one way or another licensed under this legislation. The Bill at present provides that the board shall have four members and that the Chairman shall be a legal practitioner. The Chairman and the other three members are to be nominated by the Minister. However, nothing is said as to where those members should come from, apart from the fact that they must be properly qualified. Clause 9 provides that, where there is a division of opinion, the Chairman has a casting vote in the four-man board. This board is very important.

Under clause 41 the board can fine a person and cancel his licence. It is therefore unsatisfactory that we should legislate for a casting vote to be given to the Chairman. I would much prefer to see a five-man board so that it is certain there will be at least three members in favour of any decision. Following the precedents established in connection with other boards, it is only fair that people whose perfessions are controlled in this way should have representation on the board. It will still be up to the Minister to choose the actual categories from which members will be appointed.

The Hon. T. M. CASEY: The Government does not accept the amendment. It is not proper to have people sitting on a board who may be disciplined by that board, and the amendment could amount to that. It is better for people outside the categories provided by the Bill to make the determination.

The Hon. M. B. Cameron: Don't other professions have their members on the boards?

The Hon. V. G. SPRINGETT: In connection with several professions, I point out that the disciplinary boards are made up of members of their own professions, and there is no difficulty about that.

The Hon. F. J. POTTER: That is the answer. The board dealing with the medical profession includes medical people; the Land Agents Board has a member who is a land agent. Further, the Builders Licensing Board has a licensed builder, so I cannot see the force of the Minister's argument. It is possible, of course, that even in other professions a board member may be subject to a charge, but naturally he would not sit in judgment on his own case. The Minister can choose the categories from which board members will come and, naturally, he will choose reputable people.

Amendment carried.

The Hon. F. J. POTTER: I move:

In paragraph *(b)* to strike out "three" and insert "four".

This amendment is consequential on the amendment we have just discussed.

Amendment carried.

The Hon. F. J. POTTER: I move:

In subclause *(b)* to strike out "three" and insert "four" and after "persons" to insert "(at least two of whom are persons licensed under this Act)".

This amendment relates to the amendment we have just discussed.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Quorum, etc."

The Hon. F. J. POTTER: I move:

In subclause (1) to strike out "Two" and insert "Three"; in subclause (3) to strike out all the words after "Board"; and to insert the following new subclause:

(3a) Each member of the board shall be entitled to one vote on any matter arising for decision by the board."

The amendments deal with the matter of voting on the board.

Amendments carried; clause as amended passed.

Clauses 10 to 13 passed.

Clause 14—"Licences and obligation to be licensed."

The Hon. F. J. POTTER: I move:

In subclause (1) to strike out "*(d)* loss assessors".

This amendment is consequential on the removal of the definition of "loss assessor" in clause 5.

Amendment carried.

The Hon. R. C. DeGARIS moved:

In subclause (2) to strike out *"(d)* a loss assessor".

Amendment carried; clause as amended passed.

Clauses 15 to 29 passed.

New clause 29a—"Recovery of moneys from debtor."

The Hon. T. M. CASEY: I move to insert the following new clause:

29a. (1) A commercial agent, or a commercial sub-agent acting on his behalf, shall not ask or demand (whether directly or indirectly) from any debtor any payment in addition to the amount of the debt other than the fee, or part of the fee, that the commercial agent has charged or agreed to charge, the creditor in respect of the commercial agent's services in recovering or attempting to recover the debt. Penalty: Five hundred dollars.

(2) In this section—

"creditor" means any person on behalf of whom a commercial agent is acting, or has been engaged to act, in recovering or attempting to recover a debt;

"debt" includes any interest, costs or other charges for which a debtor is legally liable to a creditor; and

"debtor" means a person from whom a commercial agent has recovered or is attempting to recover a debt on behalf of a creditor.

This new clause limits the amount of demand that may be made by a commercial agent against a debtor from whom he has been instructed to recover a debt. The effect of the new clause is that a commercial agent may not recover more than the amount of the debt, plus the fee the agent has charged or agreed to charge the creditor. The new subclause is the result of an amendment moved by the Leader of the Opposition in another place.

New clause inserted.

Clause 30 passed.

Clause 31—"Unlawful entry."

The Hon. F. J. POTTER: I ask honourable members to vote against this clause so that it can be removed from the Bill. Section 31 of the Act applies to all agents, particularly to inquiry agents and process servers. The definition of "unlawfully enter" applies to an agent who enters or remains on premises without any expressed or implied authority, invitation or licence of the occupant of the premises. This clause is so restrictive as to make a humble process server's work quite impossible. If it is observed strictly, he cannot go into the premises. It does not even provide for the permission of the person entitled to occupy the premises. The operation of this clause is such as to hamper very seriously the garnering of evidence by inquiry agents. That matter, however distasteful it may appear to some people, is an important aspect of our law.

I cannot see the necessity for this clause. Section 17 of the Police Offences Act makes clear that any person who is in or on any premises or part of any premises for an unlawful purpose or without lawful excuse is guilty of an offence and liable to punishment. The operation of that section has worked quite well in the past to protect people from unlawful actions on the part of anyone, licensed or otherwise.

Clause 30, which the Committee has just passed, makes clear that the granting of a licence does not confer on any agent the power or authority to act in contravention of, or in disregard of, any law or any rights or privileges guaranteed or arising under, or protected by any law, so his licence does not in any way operate to prevent his committing an offence under section 17 of the Police Offences Act.

I would have thought that would have been sufficient in the future, as it has been in the past. To allow this clause to remain in the Bill as it stands would be quite disastrous. The committee of the Law Society met in connection with this matter over the last week-end and concluded unanimously that the Minister should be asked to remove clause 31. I understand that has been done, but I do not know whether such a course is acceptable to the Minister. I gather that it is not, but it has the support of the Law Society committee, and I ask members to vote against the clause.

The DEPUTY CHAIRMAN: In order to give members the opportunity of voting on the clause as amended, the Minister should now move his amendment to clause 31, if he so desires.

The Hon. T. M. CASEY: I move:

In subclause (2) after "premises" last occurring to insert "lawfully entitled to give that authority, invitation or licence".

This amendment merely makes clear that the express or implied licence which an agent requires to enter private premises must be given by a person with the necessary legal authority to grant such a licence.

Amendment carried.

The Hon. R. C. DeGARIS: Does the Hon. Mr. Potter still require clause 31 to be deleted? The Minister's amendment does not remove my objections to the clause.

The Hon. F. J. POTTER: I was not opposed to the Minister's amendment because it did not add very much. It touched on one aspect of one matter I raised; certainly it made a very marginal improvement but it does not touch the main points I was making. I ask members to vote against the clause as amended.

The Hon. T. M. CASEY: There has been a great deal of discussion on this clause by the instigator of the Bill in another place and by the people concerned with it. My instructions are that the Government supports the retention of the clause.

Clause as amended negatived.

Clause 32—"Name in which agent carries on business."

The Hon. F. J. POTTER: I move:

After "licensed" to insert "or a business name registered by the agent in accordance with the provisions of the Business Names Act, 1963".

It is quite common for agents to carry on business under a business name. It is quite lawful and I do not see why, if this clause refers to the name in which he is operating, it should not include a business name properly registered under the provisions of the Business Names Act. From that registration the proprietors of the business can be easily ascertained.

The Hon. T. M. CASEY: I do not know whether or not that is the case. The Government feels that, to be licensed, a person should be licensed under his own name or in a business name. It is undesirable, however, for a person licensed to use some other business name. He should be licensed in a business name so that he can be easily identified.

The Hon. F. J. POTTER: I cannot follow the Minister. He says that because an agent cannot be licensed in a business name through the board, therefore he cannot take the benefit of the provisions of the Business Names Act. I cannot understand why he cannot be the person licensed and still use a registered business name. There seems to be no problem and no consistency. This deals with the place or the manner in which he carries on business. There is a conflict here between the two measures.

Amendment carried; clause as amended passed.

Clauses 33 to 38 passed.

Part VI—"INVESTIGATIONS AND INQUIRIES."

The Hon. T. M. CASEY: I move:

In the heading to strike out "AND INQUIRIES" and insert "INQUIRIES AND APPEALS".

The amendment makes it clear that any decision of the board, whether made under Part VI or not, is subject to appeals under that Part. Hence the reference to appeals is included in the heading.

Amendment carried; heading as amended passed.

Clauses 39 and 40 passed.

Clause 41—"Inquiries."

The Hon. F. J. POTTER: I move:

In subclause (3) *(d)* after "agent" to insert "(being a commercial agent or commercial subagent)".

The question of being an undischarged bankrupt should apply only to this type of agent. Following conversations I have had during the dinner adjournment, I have some faint hope that the Government will accept this amendment.

The Hon. T. M. CASEY: I cannot accept the amendment as it will mean that the subclause will apply only to a commercial agent or a commercial subagent.

Amendment carried; clause as amended passed.

Clause 42—"Procedure in relation to inquiry."

The Hon. F. J. POTTER: I move to insert the following new subclause:

(4) Where the conduct of any agent becomes the subject of any inquiry conducted by the board under this Part, the agent may be represented by counsel at the inquiry.

The amendment will allow an agent to be represented by counsel at an inquiry before the board.

The Hon. T. M. CASEY: As this amendment is not absolutely necessary, I cannot support it.

Amendment carried; clause as amended passed.

Clauses 43 to 47 passed.

Clause 48—"Limitation upon functions of loss assessor."

The Hon. R. C. DeGARIS: This clause seems to stick out in the Bill like a sore thumb. Indeed, it is the only part of the Bill that refers to loss assessors. If it remained, the clause would need to be amended substantially even to allow loss assessors to work in the community. As the previous provisions regarding loss assessors have been removed from the Bill, I oppose this clause.

Clause negatived.

Remaining clauses (49 to 51) and title passed.

Clause 3—"Arrangement of Act"—reconsidered.

The Hon. T. M. CASEY: I move:

In the heading "Part VI—INVESTIGATIONS AND INQUIRIES" to strike out "AND INQUIRIES" and insert "INQUIRIES AND APPEALS".

This amendment also makes it clear that any decision of the board, whether made under Part VI or not, is subject to appeals under that Part. Hence the reference to appeals is included in the heading.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

ENFIELD GENERAL CEMETERY ACT AMENDMENT 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.

The Enfield General Cemetery Trust was constituted under the Enfield General Cemetery Act, 1944, to establish and administer a public cemetery to serve the developing areas north of the City of Adelaide. Funds for the establishment and early development were provided by the Government, which made repayable advances to the trust. From early in its life the trust has suffered financial problems owing to the high costs of development and maintenance and the insufficient patronage of the cemetery it has developed. In an attempt to overcome these problems, the trust entered into an agreement with a company for the preselling of leases of burial sites, but the scheme had only limited success. This company is now in the process of liquidation, and the income to the trust from the preselling of leases by the company has ceased. Recently, the trust established a crematorium, which has also proved to be a burden on its finances.

Following reports from the Auditor-General of deterioration in the financial affairs of the trust an investigation was made by the inspecting accountant of the Local Government Department. Arising from that officer's report, it is desired to place the affairs of the trust under more direct Ministerial control and, in view of the Government's involvement in the financial affairs, to give greater governmental representation on the trust. The Bill contains provisions whereby, by the giving of directions, the Minister may exercise more effective control over the affairs of the trust. When considering the trust's affairs, the Government considered that provision should be made in this Bill for the appointment of two additional members, one of whom will be nominated by the Treasurer and one by the Minister.

When the proposal for the appointment of the two additional members to give greater governmental representation was discussed by the trust, the view was expressed that the various religious denominations might care to reduce their representation from the present three members to only one member. Agreement with the heads of the religious denominations concerned has now been reached that the Bill should provide for the Governor to appoint to the trust only one church representative for each term of four years whose function will be to represent all religious denominations. The appointee will be nominated successively by the head of the Church of England in Adelaide, by the head of the Roman Catholic Church in Adelaide, or by the Minister who, in the last-mentioned case, must be of the opinion that he is representative of other religious denominations. Each appointee will be appointed for a term of four years.

The trust is at present formulating plans that will help it to improve its current financial position and to maintain viability. To carry

out these plans it is necessary to give greater flexibility of powers to expend revenues. Because of the current financial position of the trust and the possible delay in the selling of land to provide working funds, the Bill makes provision for the Treasurer to guarantee an overdraft granted to the trust by any bank. The Bill also repeals the fourth schedule to the Act, which deals with certain financial aspects of the trust's affairs. The Bill, however, replaces the fourth schedule with provisions in the Act that give some flexibility to the financial obligations of the trust. I shall now deal with the clauses of the Bill.

Clause 2 provides for the Bill to be brought into operation on a day to be fixed by proclamation. Clause 3 preserves the present composition of the trust until a day to be fixed by proclamation for the purposes of section 5 of the Act, and as from that day reconstitutes the trust with the same number of members as at present except that instead of three church representatives there will be one who shall be selected in rotation upon nomination by the head of the Church of England, or the head of the Roman Catholic Church or the Minister, and who will represent all the religious denominations in South Australia. Clause 4 is consequential. Clauses 5 and 6 are desirable Statute revision amendments which do not affect the present construction of the Act. Clause 7 enacts a new section 16a, which brings the trust under more effective Ministerial control.

Clause 8 amends section 22 of the principal Act by striking out subsection (2), which deals with the application of the proceeds of sale under that section in manner provided in the fourth schedule, and inserting a new subsection providing for those moneys to be applied in such manner as the Minister may, from time to time by writing addressed to the trust, direct. Clauses 9 and 10 *(a)* and *(b)* contain similar amendments to the amendment made by clause 8. Clause 10 *(c)* incorporates into section 23 of the principal Act some essential provisions of the fourth schedule that would otherwise have been repealed with the repeal of that schedule.

Clause 11 repeals section 24 of the principal Act and re-enacts it in slightly wider terms with power to the Treasurer to guarantee the repayment of any overdraft of the trust upon such terms and conditions as the Treasurer thinks fit. Clause 12 allows the trust to apply its revenue in such manner as the Minister approves, and repeals the present section 25, which sets out rather rigidly the order in which the trust's revenue must be applied. Clause 13 makes two consequential amendments to section 26. Clause 14 makes a decimal currency conversion.

Clause 15 makes a consequential amendment to section 39. Clause 16 makes a decimal currency conversion. Clause 17 up-dates an obsolete reference to the Corporation of the Town of Enfield in section 44. Clause 18 repeals the fourth schedule to the principal Act. Clause 19 up-dates the fifth schedule to the principal Act by omitting obsolete parts and making decimal currency conversions in relation to the current and future liability of the trust to pay local government rates. This Bill has been considered and approved by a Select Committee in another place.

The Hon. C. M. HILL (Central No. 2): The fact that the Minister said in his second reading explanation that the Bill was referred to a Select Committee in another place indicates that the legislation has already undergone some review. I noticed with interest that Mr. Ludovici (the Parliamentary Counsel), Mr. Venning (the inspecting accountant from the office of the Minister of Roads and Transport and Local Government), and the Hon. S. C. Bevan all gave evidence before the Select Committee, the final decision of which is expressed in paragraph 5 of its report, as follows:

> Your committee is satisfied that there is no opposition to the Bill and recommends that it be passed without amendment.

So, honourable members can take some assurance from the fact that a scrutiny has already taken place. Those of us who have watched with some interest the general expansion of the two principal modern cemeteries in metropolitan Adelaide—the Enfield General Cemetery and the Centennial Park Cemetery—have noticed with interest that, whereas the Enfield General Cemetery has always experienced financial problems, the other cemetery has not experienced such problems.

Whilst not casting any reflection upon the Chairman or personnel of the Enfield General Cemetery Trust, I cannot help complimenting the members of the board at Centennial Park, and of those members I think Mr. Ted Painter, a leading city accountant, deserves high commendation for the businesslike way in which he exerts his influence on that board.

A lesson can be learnt from this that, when an institution like this is established, it is essential to have a key person on the board, an experienced professional man such as an

accountant. However, I emphasize that I am not casting reflections on the personnel, who have certainly done their best; but, by the same token, difficulties have always been experienced out there.

Under this Bill, the Government is making some changes and, understandably, taking a little more control of the trust than previously, the reason being, as the Minister has just said, that the Government is seeking the right to guarantee an overdraft; therefore it will be committed by this guarantee and should have adequate representation on the board.

It is not as though the board will increase in membership because, as the Minister has just said, the three members who previously have represented various religious denominations have all agreed that in future only one gentleman need represent all those denominations. It is commendable that the churches have agreed in that way. One assumes that the interests of all religious denominations will be watched over adequately and no doubt carefully by this one representative.

The board, therefore, remains at its present size. The representation, however, is altered. I have had time to look quickly through the various details to which the Minister has just referred and there is nothing in the Bill that I really want to query further.

I notice that Mr. Venning made a report on the deterioration of the cemetery trust's financial affairs. I worked closely with Mr. Venning from 1968 to 1970 and admire his ability as an investigating accountant. I am sure he would have been fair and reasonable in his statements in that report.

So it seems that the Bill is necessary, and I support it. I hope, however, that in the next few years the Enfield Cemetery Trust manages to improve all its financial affairs. This cannot be achieved in a short time. It may take some years, but the financial affairs of the trust should be put on a businesslike basis and, once the problems are overcome, it should be possible to maintain the trust better than previously. I support the second reading.

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

[*Midnight*]

COMMUNITY WELFARE 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.

Its purpose is to provide the statutory framework to implement the Government's policy in relation to community welfare. This policy is based on the principle that citizens of the State, as members of a single community, owe to one another the obligation of concern and support in the other's problems and difficulties. The State, which is the politically organized community, must therefore assume responsibility where necessary for the welfare of those of its citizens who are in need of welfare support. The inadequacy of the welfare services available in one particular community was recently subjected to exhaustive study. The inadequacies discovered by the committee of inquiry were emphasized by the *Report of the Committee on Local Authority and Allied Personal Social Services,* known in the United Kingdom as the Seebohm report. This is a major report published in 1968 after a three-year inquiry. Although dealing with the English situation, much of the report is of general application. Many of the problems faced by that committee have close parallels in this State. Attention was drawn to: *(a)* the unevenness of services in different localities; *(b)* the inadequate range and quality of services available to some sections of the community; *(c)* the poor co-ordination between various agencies providing services; *(d)* the difficulties of access to welfare services for people in need resulting from the lack of information about available services, physical remoteness, or bureaucratic or unduly rigid structures and procedures; and *(e)* the need for imaginative insight into emerging social problems and for adequate forward planning. In its report the committee concluded:

> We recommend a new local authority department providing a community-based and family-oriented service, which will be available to all. The new department will, we believe, reach far beyond the discovery and rescue of social casualties; it will enable the greatest possible number of individuals to act reciprocally, giving and receiving service for the well-being of the whole community.

In reviewing the provision of personal welfare services in this State, the Government has moved in much the same direction. The Government has a lively awareness of its responsibility, and that of the community generally, to provide a comprehensive, humane and readily accessible welfare service. The Government therefore has adopted a plan for the provision of co-ordinated and revitalized welfare services and for the support and encouragement of welfare services already provided by voluntary agencies.

The Department of Social Welfare and Aboriginal Affairs will be renamed the Department for Community Welfare and will be responsible for the implementation of the Government welfare policies. Its object as stated in the Bill will be to promote the well-being of all persons in the community; to promote the well-being of the family as the basis of community welfare; to promote co-ordination of services and collaboration amongst various agencies; and to promote research, education and training in community welfare. The State's welfare policies will be centred about the family. The well-being of the overwhelming majority of people depends on those people being members of a harmonious and well-adjusted family group. Welfare services must be directed, therefore, towards supporting the family unit where it is under stress and towards providing a substitute family environment to those who have been deprived of the opportunity of development and fulfilment in a normal family environment. The fostering of family harmony and cohesion must therefore be a first objective of welfare activity. The welfare support which is needed during periods of personal crisis ought therefore to be provided, wherever possible, in a family context.

The community welfare programme which the Government has adopted provides for the progressive decentralization of welfare services. So far as possible, the actual contact with the public will take place through regional offices and community welfare centres. These centres will be staffed by trained social workers who will be assisted by trained volunteers working in teams under the direction of the professional social worker. The community welfare centres will be situated in the main centres of population, and it is intended that the welfare services will thereby be brought close to the daily lives of the people. The centres will become part of the life of the local community. They will be concerned with welfare, support and counselling, juvenile problems, the provision of probationary services, the fostering and adoption of children, the making of relief payments, and other welfare services. Each centre will have a consultative council on which will be representatives of local government and the voluntary welfare groups operating in the district. In this way it is hoped that a greater degree of co-ordination between the work of the voluntary groups and the work of the department can be achieved. It is hoped that, by close contact with the community welfare centre, voluntary groups can provide more effective assistance to those whom they are concerned to help. By co-operation between the voluntary groups and the department it should be possible to identify more readily the welfare needs of individuals and families and to provide the kind of support which is needed in particular cases. There are many people of goodwill in the community who are enthusiastic about community self-help. The department will enlist and train such persons in a voluntary capacity as community aides so that local communities will contain within themselves persons who are trained to recognize and alleviate social problems.

By degrees the establishment and proliferation of community welfare centres and the closer co-operation of departmental activities with voluntary welfare activities should provide for the community a more comprehensive welfare service than it has ever enjoyed previously. Those who are in need of emotional and social support may be more readily located. Surveys suggest that those who are most in need of these kinds of support do not seek out the welfare agencies. The emotional problems which beset them are themselves likely to inhibit them from seeking out the means of rehabilitation. With the development of decentralized community welfare centres, it is more likely that those in need of support will be located and their problems identified. The facilities of the Department for Community Welfare will be available to the voluntary groups where needed, and the departmental social workers will be in a position to put people in touch with local agencies where that is the appropriate course. In this way, many of the problems arising from family tension, age, ill health, and loneliness may be eliminated or considerably reduced.

The problem of achieving satisfactory co-ordination of welfare services must not be underestimated. It is necessary to comprehend and grapple with the problem of co-ordinating and developing communications between all persons and organizations working towards the welfare of the community. Research and study will assist a great deal in working towards a solution of the problem, and the department's services will be available to that end. Finally, however, the necessary co-ordination will be the product of practical work done at local level. The structure and functions of the community welfare centre are, I think, well adapted towards achieving

the desired co-ordination, both by direct consultation and through the operation of the proposed consultative councils. Emphasis will be placed upon the involvement of local government in the work of the community welfare centres. Many councils are extremely interested in welfare work. Council offices are brought frequently into contact with welfare needs and problems. Every effort will be made to establish close co-operation between the department operating through the community welfare centre and the local government body. The consultative council on which local government will be represented will provide the machinery for this co-operation.

In very many cases, of course, the crisis which calls for the intervention of social workers or voluntary charitable workers arises from ill health. The personal and social problems which flow from illness are many. Problems of employment, housing, family adjustment, and personal adjustment to a changed pattern of life are frequent. It is now well recognized that the treatment of illness involves the treatment of the whole person. Not only must the organic or psychological disorder be treated, but regard must be had to the effect which illness has had on the patient's life and personal relationships. Recovery will be retarded and perhaps prevented by unsolved personal and family problems. A harmonious and well-adjusted personal and family life will greatly facilitate recovery. A man or woman beset by problems of employment, financial crisis, problems of housing and disruption of personal and family relationships carries a burden which places those treating his condition at a great disadvantage. If the treatment of the physical **or** psychiatric disorder is accompanied by an attack on the personal and social problems of the patient, the whole person is treated and the prospects of speedy recovery thereby enhanced.

It is to be remembered, of course, that many problems requiring welfare intervention do not arise from ill health. Even where they originate in a health problem, they frequently take forms which involve a wide range of welfare services. The ill health of the father of a family may, for instance, result in financial and debt adjustment problems, domestic stress, marital discord, and emotional disturbance of the children, with consequent tendencies to delinquency. We should, therefore, in my opinion, aim for a welfare structure which provides the full range of welfare counselling and services to those in need of such support, whether that need arises from ill health or from some other cause. In most situations, it seems likely that a family is best served by a social worker who is able to assist the family to cope with all the problems it has to face. Most people are confused and disheartened if they have to deal with a variety of agencies. They feel that none of them has any real appreciation of the overall problem. This feeling particularly oppresses those who are emotionally disturbed or otherwise under stress. Comfort and support are derived from the knowledge that there is a trained and sympathetic social worker who understands the family problem in its entirety and can enlist the assistance of the relevant agencies. This is the type of family-orientated welfare service which it is hoped to develop through the community welfare centres.

The development of comprehensive welfare services as part of the life of the local community will facilitate the use of welfare services as part of a total health concept. I suppose that most sick people are treated by general practitioners who practise in the locality in which the patient lives. The ready availability of welfare services in the same locality will make for an easy relationship between the local doctors and the community welfare centre. Doctors will be encouraged to refer patients' problems to the community welfare centre. Social workers will be trained and instructed to work in co-operation with the doctor. In this way both doctor and social worker will be assisted to see and to attack the total problem.

There has been for some years a growing realization of the importance of the work of the almoner and medical social worker in the hospitals and other health institutions. This realization will continue to grow. With it, I think, will grow an awareness of the importance of co-operation between those responsible for the health of a patient and those responsible for the general welfare services of the community. The patient treated in the hospital is a member of the community and in all but a few cases a member of a family group or some other group which may be regarded as a substitute for the family. He and his family are therefore within the sphere of interest and activity of the community's welfare services. The need for co-ordination between the efforts of those responsible for the patient's health and those responsible for his general welfare and that of his family scarcely needs demonstration. It is more profitable to devote our attention to the means by which this co-ordination might be achieved.

The problem of achieving satisfactory co-ordination must not be underestimated. It

is necessary to comprehend and grapple with the problem of co-ordinating and developing communications between people, such as doctors, nurses, volunteers, domiciliary care workers, home help workers, social workers and others, not to mention the larger organizational bodies to whom referrals must be made. Research and study will assist a great deal in working towards a solution of the problem. Finally, however, the necessary co-ordination will be the product of practical work done at local level. The structure and functions of the community welfare centre are, I think, well adapted towards achieving the desired co-ordination.

As we attain a clearer grasp of the essential interdependence of health and welfare services, we see the importance of the training of welfare personnel. The quality of the personnel will be the key to the results which are attained. At present, training for welfare and health services is carried out by many organizations with varying standards. Some of the areas of training, such as those relating to mental health visitors and welfare officers, cover much the same ground. Some of the training for volunteers in different organizations is very similar. The interdependence of health and welfare ought to be made real at the training level and I think that in this area a start can be made.

How are we to view the interdependence of health and welfare services in this State at the present time? The Government has embarked on the implementation of a comprehensive community welfare programme. It is designed to provide, as availability of financial and human resources permits and in co-operation with local government and voluntary groups, adequate welfare services to the whole community. The programme involves, moreover, emphasis on understanding and providing for the special welfare needs of our Aboriginal citizens, and in this area the interdependence of health and welfare is particularly marked. At the same time, the Government is engaged on a study of health services within the State. This study is being carried out by a committee under the chairmanship of Mr. Justice Bright of the Supreme Court of South Australia. This committee has been directed to make recommendations on the administrative structures required to ensure an optimum standard of public and private health services to meet the future needs of the community. The terms of reference continue as follows:

The committee will have regard to a total health concept and will, in particular, make recommendations on requirements regarding:

(a) Prevention, diagnosis, treatment and rehabilitation including:

(i) Public health services involving the preservation and conservation of the health of the community including epidemiology; the control of communicable and other diseases; environmental and occupational factors influencing health and welfare; maternal and child health services (including school health services); public diagnostic procedures and health education programmes (including family planning).

(ii) Hospital services; mental health services; services for alcoholism and drug addiction; nursing homes; services for the chronic sick, handicapped and aged; and domiciliary supportive services.

(iii) The development of community health and welfare services and centres including the role of medical specialists and general medical practitioners in private practice, and their links with services provided by public hospitals and Government departments.

(iv) Health and welfare services in remote areas.

(v) The participation and involvement of voluntary agencies in health, hospital and welfare services.

(b) The education and function and numbers of health personnel in all categories, with particular emphasis on possible changes in role in the future.

(c) The organization and co-ordination of public, private and community health, hospital and welfare services at central and regional levels.

(d) The examination of future demands for hospital and nursing home service including Government, subsidized, community and private.

(e) The future organization and role of medical, dental, nursing and other allied health professions and services.

(f) The transport of patients to services and services to patients.

The problem to be solved relates to the methods and machinery by which the health and welfare services of the community can operate in co-operation to provide the total service which the community needs. The experience of the Department for Community Welfare as it implements the new programme will assist in the development of appropriate methods and machinery. It will be seen that the Bright committee is directing its attention to the "total health concept" and that its attention is specifically directed to the relevance of welfare services in several of the specific

terms of reference. The findings of this committee will be of great importance.

The interdependence of health and welfare and the consequent necessity of co-ordinating health and welfare services are now closely recognized by most authorities. What remains is to devise and develop the techniques and machinery of co-ordination to reflect this interdependence in the services actually provided. The amalgamation of the two departments of Social Welfare and of Aboriginal Affairs will enable a more comprehensive service to be available to all Aboriginal persons, and the decentralization of the departments' services will bring them closer to those persons. The Government is insistent that there should be no discrimination of its services against any ethnic or cultural group, and this is in keeping with the Government's general policy with regard to the Aboriginal people. It is highly desirable that Aboriginal persons, as far as possible, especially those living in urban environments, should enjoy and use the same facilities and services available to the rest of the community. The department will, however, continue to provide special services which will operate in favour of Aborigines in order to promote their well-being both as individuals and as groups, and to promote understanding and constructive interaction between Aborigines and other citizens. This will be aimed at assisting them to adjust to contact with the wider community, while at the same time helping them to maintain their cultural identity. In order to ensure that the direction of Government policy and services is in keeping with the real needs of the Aboriginal people, there is provision in the Bill for continuous consultation and co-operation with Aboriginal persons and organizations. The change in the name of the department to that of Community Welfare is designed to emphasize that Aboriginal and non-Aboriginal people are fellow citizens of the same community with the same rights and obligations. The community's obligation to provide for the welfare of its citizens extends equally to both. The welfare provisions for some Aborigines will no doubt differ from the provision for non-Aborigines in both kind and degree because of the particular needs of those Aborigines. These needs vary greatly. There is no single Aboriginal problem but a variety of problems according to the development, way of life and outlook of particular Aborigines and groups of Aborigines. Within the framework of the Act, renewed efforts will be made to understand and solve the many special problems of Aboriginal people: employment, housing, health, education and the development of suitable industry on reserves which will enable those who wish to do so to provide for themselves by their own efforts with a minimum of disturbance of their traditional way of life.

Implementation of the policy of the Government regarding family and child care, the welfare and advancement of the Aboriginal people, and the welfare of the community generally has required a reappraisal of existing legislation. The existing Social Welfare Act had its basis in the Maintenance Act dated 1926; actually some of the provisions are taken from legislation pre-dating the Act. Social attitudes have changed a great deal over the past half century and longer, and several provisions of the Social Welfare Act are considered to be outdated in philosophy and terminology. Similar remarks can be made about the Children's Protection Act, 1936-1939. Further, many of the powers in that Act are provided in the Juvenile Courts Act or the Social Welfare Act. The present Aboriginal Affairs Act was passed in 1962 but some of the provisions of that Act are becoming of less importance as the Aboriginal people are assisted to live independent of any social services on their behalf. Although the Bill necessarily incorporates many provisions from the existing legislation, chief of which is the Social Welfare Act, there are many new clauses which attempt to interpret modern welfare concepts. At the same time, existing provisions, where they are outdated, have been deleted, and others have been restated in language more appropriate to current circumstances.

I refer now to the general structure of the Bill. Part I contains preliminary provisions. Part II sets out the basic principles underlying the Bill in the form of general objectives to be pursued by the Minister and the department. There follow powers whereby the department may promote and encourage the welfare of the community in a variety of ways. Part III sets out the manner in which special provision can be made for the well-being of persons through financial and other assistance to individuals and groups in the community. Part IV deals with the role of the department in family and child care. The necessary provisions of the Aboriginal Affairs Act, which have been retained together with some new provisions, have been included in Part V. Part VI repeats the existing provisions in the Social Welfare Act regarding maintenance obligations, and Part VII has provisions of general application

that are almost entirely regarding maintenance matters.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 provides for the date of commencement to be fixed by proclamation. Clause 3 provides for the repeal of other Acts. Clause 4 sets out the arrangement of the Act which has already been described. Clause 5 includes the necessary transitional provisions. Clause 6 provides the necessary interpretations. There are some amended and some new interpretations. The term "Aboriginal" is defined in a shortened form from that in the existing legislation; terms "assessment centre" and "child care centre" are new; the term "child under the care and control of the Minister" is new and replaces the term "State child" which has acquired some undesirable associations and has been eliminated from this legislation. The "department" becomes the "Department for Community Welfare", and the head of the department will be the Director-General of Community Welfare. The Minister will hold the title of "Minister of Community Welfare". The definition of "near relative" has been amended by deleting reference to grandparents. The present definition of "neglected child" has a long list of subsections, many of which are quite out of date in relation to current social situations. The definition in the Bill has been shortened considerably. The terms "review board" and "youth project centre" are new. The definition of "uncontrolled child" has been amended. Previous references to habits of immorality, vice or crime have been deleted and replaced by a reference to the child's need of care and control. The definition of "youth project centre" is new and refers to the establishment of non-residential centres, that is, attendance centres for the training of young offenders during evenings and on Saturdays. Subclause (3) is a restatement of the existing definition of "child of the family" in the Social Welfare Act. Subclauses (2) and (4) repeat existing sections in the Social Welfare Act regarding polygamous marriages and the effect of variation of orders.

Clause 7 introduces Part II (the promotion of community welfare). Division I sets out the basic philosophy of the legislation by stating the objects of the Minister and the department as having a responsibility to promote general well-being of the community, to encourage the welfare of the family, of the basis of community welfare, to establish and co-ordinate the services and facilities throughout the community, to collaborate with other organizations and agencies working towards the benefit of persons in need or distress, to promote research into community problems, and to encourage education and training in community welfare and generally to foster an interest in the welfare of the community.

Clause 8 provides for the office of the Minister to be established as corporation sole. Clause 9 sets out the general powers of the Minister. Clause 10 provides for the establishment of the Department for Community Welfare and the offices of Director-General and Deputy Director-General of Community Welfare. Clause 11 provides for the delegation of powers by the Minister and by the Director-General. Clause 12 requires the Director-General to submit an annual report to the Minister.

Clause 13 provides that the Minister may appoint community welfare advisory committees. The existing Social Welfare Act requires the establishment of a Social Welfare Advisory Council, and this council has operated since March, 1966. The Act provides that members shall be appointed from amongst persons "who are interested in social welfare activities". The council is required to consider any specific question referred to it by the Minister, or it may initiate an inquiry into any other matter of a general social welfare nature. Several reports have been submitted to the Minister over the years. Also, under the Aboriginal Affairs Act the Aboriginal Affairs Board was constituted when that Act came into operation in 1962. The board consists of a Chairman and up to six other members appointed by the Governor. No special qualifications are required for appointment to the board. The board is charged with the duty of advising the Minister on the operations of the Act and on measures for promoting the welfare of Aborigines. Both bodies have given valued assistance and advice to successive Ministers. I express my appreciation and, I am sure, that of my predecessors for the insight, industry and conscientiousness of the past and present members of both bodies.

With the amalgamation of the department there are difficulties surrounding the continuation of both of these existing advisory bodies. The council and the board have different functions and operate in a different way, and it would be inappropriate to attempt to amalgamate them. The amalgamation of the two departments has emphasized the difficulties of securing an advisory body composed of persons expert in all of the complexities of community welfare. It has been decided, therefore,

to delete reference to the existing Social Welfare Advisory Council and the Aboriginal Affairs Board, and those bodies will be abolished under this Bill. In their place provision is made for the appointment of community welfare advisory committees to advise the Minister on particular questions. Some of these committees will be of an *ad hoc* nature; others considering questions of a different nature may be standing committees. Subclause (3) provides that such a committee will consist of persons with special knowledge or experience of the matter or matters referred to it. In this way the best use will be made of persons having such special expert knowledge and the Minister will get the best and most up-to-date advice. The department will assist such committees with secretarial, research and any other services and facilities.

Clause 14 provides for the terms of office and clause 15 for procedure of the advisory committees. Clause 16 provides for the appointment of community aides to assist in the work of the department. As we all know, there is a very large number of people throughout our community who consistently and willingly assist in the work of a wide variety of welfare organizations aimed at helping all manner of persons who suffer some kind of handicap or hardship. If the total number of hours worked by such voluntary helpers could be computed I am sure that we would all be amazed at the figure. Most non-statutory agencies would not be able to continue to provide their many worthwhile services to the community if it were not for the willingness and dedication of their voluntary workers. Additionally, there are many volunteer workers who already assist various statutory agencies in their work, including the Department of Social Welfare and Aboriginal Affairs. It is considered that the pool of persons who are interested in community welfare work in a voluntary capacity can be extended by making provision for the training of selected persons and the channelling of their services according to their training and ability. We can never hope to provide the comprehensive community welfare service which is the Government's aim out of the resources of the State. It can be provided only with the assistance and co-operation of voluntary agencies and by the use of voluntary aides. It is intended that suitable volunteers be trained and that they work in teams, each team under the supervision of a professional social worker. In this way the extent of the services to the local communities from the community welfare centres can be increased far beyond what would be possible if it were necessary to rely entirely on paid social workers. The community, moreover, benefits from the involvement of civic-minded volunteers in the work of the community welfare centres. Clauses 16 to 20 therefore provide powers for the initiation of such a scheme.

Clause 21 provides that the department may employ its facilities in the education and training of persons in relation to community welfare. This will be in addition to training already available at tertiary institutions. Training will be given to the community aides mentioned above and also to other persons interested in working in this field but who do not wish to or who cannot attend tertiary centres. There is also a great need for the continuous retraining of departmental staff and other persons working in welfare organizations and agencies. The department will collaborate with such agencies and with teaching organizations in providing opportunities for training. I have already emphasized the importance the Government attaches as part of its community welfare policy to the professionalization of staff through extensive in-service as well as tertiary training. Clause 22 provides that the Director-General shall carry out research into problems of community welfare and into the efficacy of measures taken under this Act for the alleviation of such problems. It is desirable that the department should co-operate with other teaching and training institutions and with other individual persons from time to time in pursuing research in this field, and clause 23 enables this to be done.

Clause 24 introduces Part II of the Bill which sets out the services and facilities which the Minister and the department may provide towards the well-being of the community. Division I provides for the establishment of community welfare centres and community welfare consultative councils. These provisions are quite new and emphasize the role of the department in working closely in local communities in order to make its services more available and more sensitive to community needs. The department already has a number of district offices in the metropolitan and country areas. It is intended in the long run that special centres should be built so that the full range of the department's services as they now exist and as they may be provided in the future will be available at those centres and there will be opportunity for co-operation with other Government departments, local government and local

voluntary agencies working with the department in the local area. Clause 25 provides for the establishment of community welfare consultative councils. Clause 26 sets out the functions of such councils. It is envisaged that the councils will be able to review local welfare needs, to give advice and guidance to organizations and agencies within the area seeking to provide services and facilities, and to give advice to the Minister and to the Director-General, as necessary. Clauses 27, 28 and 29 deal with the membership of the council. It is envisaged that persons with an interest in the development of services in the local area should be members of councils. Wherever possible there should be at least two representatives of municipal or district councils of the area, and there will be a representative of the department and of the member of the House of Assembly for the district. Clauses 30 and 31 deal with the procedure of such councils. It is foreseen that where such councils are established they will offer a means of involvement for concerned citizens of various backgrounds to join together in regular consultation to consider the scope of local welfare needs and the development, extension or variation of services that may be needed to meet those needs. In this way, they will be able to offer informed and sensitive advice to statutory and other organizations, agencies and persons who are providing or who should be providing services in that area.

Clause 32 introduces Division II—assistance to families and persons in need. This Division largely repeats the provisions of Division III, Part II, of the existing Social Welfare Act, which refers to State public relief. Throughout the new provisions the phrase "public relief" has been deleted and replaced with "assistance", as this is regarded as a more general and positive term. Clause 32 provides that the Director-General may assist any family or person in need or distress by providing assistance with money, commodities or services; or he may arrange for a person to receive care or treatment as he may require; or he may receive a person in need into a suitable home. Clause 33 repeats the existing sections 33, 34 and 36 of the Social Welfare Act regarding the recovery from near relatives of the cost of assistance granted to certain persons and the manner in which complaints may be made for the enforcement of orders. Clause 34 is an evidentiary provision similar to section 35 of the Act. Clause 35 repeats existing section 39 of the Act and controls the way in which moneys paid to the department as maintenance may be used towards the repayment of the cost of assistance granted to any person by the department.

It should be noted that section 38 of the Social Welfare Act has been omitted from this Bill. That section gives power for officers of the department to visit children and to inspect their places of residence where those children are members of a family who are in receipt of State public relief. There has been considerable criticism from a number of quarters about this power. The purpose of the provision as it exists is to enable the department to satisfy itself as to the proper care of children in certain circumstances. However, the powers are very wide and can be interpreted as an encroachment upon the individual rights and liberties of persons simply because they are in receipt of assistance from the department. There are other provisions in the Bill and in the Juvenile Courts Act, which empower officers of the department and police officers to inquire into cases where it is considered that children are at risk, and in view of this no further specific powers of visitation are required other than those referring to the visitation of children who are placed under the care and control of the Minister.

Clause 36 provides for the establishment of a community welfare grants fund. Moneys for the fund will be provided by Parliament or from other sources. The existing Social Welfare Act provides that moneys may be made available to subsidized licensed children's homes and this money in future will become a portion of the community welfare grants fund. For some years, a grant has been made by the Government to the National Fitness Council for the training of youth leaders, and in future this money also will be handled through the Fund. In addition, an amount will be set aside each year for distribution through the fund for the development of community welfare projects and services generally. It is envisaged that the money from this section of the fund will be applied especially to areas and projects that would be of benefit to the community but where local funds for initial establishment and development are not likely to be available. There will be an emphasis on the provision of suitable facilities for young people where these do not already exist. The fund will not meet running costs but should enable some organizations without strong backing to make a start and, if

they meet a need in the local area, they will then be able to finance their own operations. In the present financial year $100,000 has been allocated for the development of youth facilities. A non-statutory committee has been established to advise the Minister on the distribution of this amount. In future, such a sum would be dealt with through the fund.

Clause 37 introduces Part IV of the Bill concerning family care. Division I sets out the services which the department will supply in this essential area of welfare service. Clause 37 states the principle that the family is viewed as the basis of the welfare of the community, and clause 38 provides the general powers of the Minister and the department in working towards that end. Division II provides for the special services and facilities available for the care of children. This Division includes many of the existing powers in Parts IV, V and VI of the Social Welfare Act regarding the facilities available for the care of State children. As mentioned earlier, the title "State child" has been deleted from this Bill and all children coming under official control are referred to as "children under the care and control of the Minister". Most of those children will come under the care and control of the Minister by an order of a juvenile court. They may be children aged from eight to 18 years dealt with as offenders, or any child up to 18 years of age dealt with as a neglected child, as an uncontrolled child or as an habitual truant. Subdivision 2 provides powers whereby other children may be received into the care and control of the Minister. Clause 39 repeats the existing section 102a of the Social Welfare Act, whereby a parent, guardian or person may apply to the Minister with request that a child be placed under the care and control of the Minister. This section has been used sparingly in the past, but is of considerable benefit especially where babies are given for adoption but cannot be placed immediately because of questions about their medical condition, or for some other reason, and the Minister is able to act as their legal guardian until such arrangements can be made. Subclause (5) preventing an order being made under this clause with regard to a child over the age of 15, except with his consent, has been added.

Clause 40 is new. It provides for a child to be received into the care and control of the Minister for a period limited to a maximum of three months. Request may be made by a parent or guardian or, where the child is over 15 years, by the child himself. This provision will provide statutory backing for a practice which has existed within the department for a very long time. Because of the residential care facilities available within the department, requests are received from time to time by parents that children be taken into care for a period of safekeeping because of emergencies that have arisen in the family. The department will make these arrangements only where no better alternative is available. However, in some situations it is desirable and even essential that parents, or a parent, should be relieved of the care of their children during a period of family crisis in order that the family may be rehabilitated. At the same time, there have been difficulties in the past with regard to the guardianship rights of the department concerning such children who have been informally placed in care. This clause will formalize these informal arrangements but because of the temporary arrangements will overcome the fear that parents may have that their children have been removed from their care permanently.

Clause 41 repeats subsection 2a of section 102a of the Social Welfare Act and provides that children under official control in another State or Territory of the Commonwealth may be received into the care and control of the Minister in this State. This provision was inserted in 1965 for obvious reasons, and since then has been inserted in the legislation of most other States and Territories to provide protection for children under official control moving from one jurisdiction to another. Subdivision 2 which follows provides powers relating to the children who have been placed under the care and control of the Minister. Many of the powers in Part IV of the existing Social Welfare Act are repeated here, together with some new matters. At the same time, a number of sections in the existing Act have been deleted, either because they are duplicate powers to those found in the Juvenile Courts Act or for other reasons. For the benefit of members who may refer to the Social Welfare Act, those provisions which are duplicated in the Juvenile Courts Act are sections 100, 101, 102, 103, 103a, 105, 106, 107, 108, 110, 113, 114, 116, and 119.

Clause 42 provides that the Minister and the Director-General shall treat the interests of the child as the paramount consideration when making any decision with regard to his care. This provision is new in this legislation. Clause 43 provides that the Minister shall have the exclusive custody and guardianship of any child placed under his care and control. This repeats the existing section 13 of the Social Welfare

Act. There are a number of sections in the Social Welfare Act regarding the manner in which children under the care and control of the Minister may be placed in various forms of substitute care. Sections 109, 111 and 112 deal with children being placed in institutions. Section 128 deals with the power of the Director to place children in private homes and to make arrangements for their care. Clause 44 of the Bill draws together these various powers in one statement. Subclause (2) requires that parents should be informed in writing at their last known address of the manner in which a child is dealt with when removed or placed in any other place. Subclause (3) gives power to the Director-General to remove a child from any situation where he has been placed previously. Subclause (4) gives power for an authorized officer to enter any place for the purpose of removing such a child. Clause 45 gives power for an authorized officer of the department or a police officer to apprehend a child where an order has been given by the Director-General that that child should be placed in a home established by the department.

Clause 46 sets out the powers of the Director-General regarding placing of a child in a home and the period for which a child may be detained in such a home. This repeats similar powers in sections 115 and 122 of the Social Welfare Act.

Clause 47 is new. It concerns the establishment of review boards within the department for the purpose of considering and reviewing the progress and personal circumstances of all children under the care and control of the Minister. One of the prime roles of the department is to ensure that wherever possible families that have disintegrated at one stage or another should be rehabilitated. In some cases where children are placed in care, parents may deliberately seek to avoid their future responsibilities. In other cases, some parents feel a deep sense of guilt and, for this reason, may avoid keeping in close contact with the children or with the department. It is essential to ensure that regular reviews be made to ensure that the rights of the children or of their parents are not overlooked. In other cases children may sometimes be placed in alternative settings, and review is necessary in order to ensure that they are obtaining their maximum benefit and care in that environment. There are at present over 3,000 children under official control of the Minister, and the review boards will carry out regular reviews of each child in his interest and in the interest of his family. Clause 48 provides powers whereby the period under which a child has been placed under the care and control of the Minister may be extended. This repeats section 126 of the Social Welfare Act, but the manner of obtaining their extension has been changed. In the existing legislation, the Governor may grant the extension upon the recommendation of the Director. The new provision is that the Director-General may apply to a juvenile court for an order to be made granting the extension. The maximum period of extension is until 20 years in normal circumstances; but, when the court is satisfied that a person is incapable of managing his own affairs, an order may be made that he remain under the care and control of the Minister for a period beyond 20 years of age.

Clause 49 deals with the discharge of children from the care and control of the Minister and considerably extends the existing provisions in section 125 of the Social Welfare Act regarding the release of State children. When a child is placed under the care and control of the Minister, it may be for a number of years. In the case of a very young child the order may be until 18 years of age. It is essential, therefore, that parents should be aware of their rights to apply for the discharge of their children from the care and control of the Minister. In some instances, such discharge from control may be made without any request from a parent, because the department itself is satisfied that the parent or parents are now in a position properly to care for and maintain their children. However, because the Minister is exercising the exclusive rights of guardianship given to him by order of a juvenile court, and because the Minister has power under this clause to determine whether children should be discharged fully from his care and control, it is considered essential that parents should have a right of appeal to a juvenile court against a decision by the Minister not to grant an application for discharge. Subclause (7) provides that an appeal may be made only once a year.

Clause 50 introduces subdivision 3 concerning foster care. Clause 50 describes the role of foster care as providing a substitute means of family care for children living apart from their own parents. Foster care is regarded as an essential and important part of the department's services in providing substitute care for children. As a first principle, as has already been described, the department works towards the return of children to their own parents. In some cases this is not possible

or it is temporarily undesirable, and children must live apart from their own parents for a shorter or longer period, or sometimes permanently. Some of these children need residential care, either because they are extremely disturbed or because they have some special handicap. The period of residential care will depend on their progress in that setting and their ability to respond to a substitute family home. In every suitable case the department will attempt to place a child, especially younger children, in a suitable family environment.

Clause 51 requires that foster parents caring for any child under 15 years of age must be approved. This differs from the existing provisions in section 167 of the Social Welfare Act in two ways. First, the age limit has been raised to 15 years. This will be consistent with provisions regarding the licensing of children's homes, and it is felt to be a more suitable age in keeping with the maturation of children and their ability to care for themselves, and also the fact that above the age of 15 years a child may leave school and care for himself. Secondly, the existing provision requires foster parents to be licensed, whereas in the future they will be formally approved by the Director-General. Clause 52 is new. In considering the foster placing of children, it is essential that the interests of the child should remain paramount at all times. It is necessary, therefore, for the Director-General, so far as possible, to satisfy himself that persons who apply to be or act as foster parents should be able to meet a child's needs according to satisfactory standards of child care. This clause attempts to lay down principles that should be followed by the Director-General in determining whether an application should be approved.

Clause 53 repeats provisions in the existing sections 168 and 171 of the Social Welfare Act. Foster parents must be approved by the Director-General. They may not have more than five foster children under 15 years in their custody, nor more children than approved by the Director-General. Clause 54 lays a responsibility upon the Director-General to satisfy himself as to the welfare of all foster children, and repeats sections 147 and 172 in a less stringent form. Clause 55 follows this up by giving power to the Director-General to enter any place for the purpose of ensuring the proper care of foster children and of offering advice and guidance to foster parents. It is essential in all circumstances that the department should make its services available to foster parents in view of the co-operative role that both are playing for the care of children, and for this purpose the department should be able at all times to assist both the children and the foster parents. Clause 56 provides for the cancellation of an approval, where the Director-General should give the foster parent 28 days notice before cancelling any approval. This subclause is new. Clause 57 repeats powers in sections 139 and 140 of the Social Welfare Act and requires the foster parent to provide the Director-General with certain information when required.

Subdivision 4 has to do with the provision of homes, assessment centres and youth project centres. The relevant provisions are found, at present, in Part V of the Social Welfare Act. Those provisions empower the Governor to proclaim certain homes for specific purposes. These powers are deleted in this Bill. In future, under clause 58, the Minister may establish homes as he thinks necessary for the care, correction, detention, training and treatment of children. This will enable the department to use in a broad and flexible manner all of the residential care facilities available to it. Children coming into care will be carefully assessed and placed in the residential care setting most suitable to their needs. It is planned that homes will be developed for this purpose to meet the specialized needs of certain groups of children. Subclause (2) provides that the Minister may establish assessment centres. These may be of a residential or a non-residential nature. Subclause (3) provides for the establishment of youth project centres. As previously mentioned at the beginning of this explanation, these will be non-residential centres of an attendance centre nature where children will attend during some evenings each week and on Saturdays for special training. These are a community treatment facility that will allow children to remain in the community in their own home or some other place, but still receive training under a formal supervision order.

Clause 59 provides for the management and control of departmental homes. Clause 60 provides that certain persons shall be entitled to visit departmental homes. Clause 61 provides for the licensing of children's homes other than those conducted by the department. These provisions are similar to those at present appearing in section 162a of the Social Welfare Act, with the amendment that licensing now applies to children up to 15 years of age instead of 12 years of age at present. Clause 62 concerns the cancellation of a licence to operate a children's home. Subclauses (2), (4) and

(5) are new; they require the Director-General to grant 28 days notice before cancellation of a licence, and for appeal to the Minister against cancellation. Clause 63 requires the licensee of a children's home to keep a record concerning certain particulars regarding each child in the home. Clause 64 provides power for the inspection by the department of children's homes. Clause 65 is new. It requires the licensee of a children's home to obtain a written agreement from any person placing a child in such a home regarding the period the child will remain in the home and the care and control provided for the child while he remains there.

It is appropriate at this point that I should explain to members that two related matters at present in the Social Welfare Act have been omitted from this Bill. These refer to the licensing of lying-in homes (that is, maternity homes) and the visitation of illegitimate children under 12 years of age. The purpose of licensing lying-in homes was to enable the department to inspect places where babies were born and cared for initially and to obtain information about those children and about what became of them after leaving the home. Other authorities have the responsibility for inspecting such places with regard to hygiene and medical requirements. The provisions of the Social Welfare Act require illegitimate children under 12 years of age to be visited in their homes. Provisions exist in the Bill for inquiring into the circumstances of any child legitimate or illegitimate considered to be in danger of neglect, and the provisions regarding lying-in homes and the visitation of illegitimate children are considered to be unnecessary and have been omitted from the Bill.

Subdivision 6 deals with the licensing of child care centres. This is new material in the Bill following a policy decision by the Government to provide that the supervision and licensing of child care centres should come under the department. At present, there is power in the Local Government Act for local councils and corporations to pass a by-law to control the operation of child care centres in their area. Following representations from organizations involved in the work of providing care and training for pre-schoolchildren, the Government decided that, in the best interests of adequate child care, the supervision of such centres should properly be the responsibility of the department. One of the major problems under the present arrangements is that there is no consistency in standards between the many centres which have been established. Over the past few years many more centres have been set up, especially in the metropolitan area. It is likely that this form of day care will expand even further and it is essential that the standards of care that are maintained are of the highest order, remembering that these are pre-schoolchildren who are looked after in these centres. Persons working in such centres should have adequate training and an understanding of the needs of the very young children in their care. The work of some councils in registering and supervising centres has been good. However, in other places there has been no control, or standards have not been consistent. The principles which appear in this Bill have been circulated to interested bodies and the provisions reflect opinions from some organizations.

Clause 66 requires that any person conducting a child care centre as described must be licensed by the department. Clause 67 empowers the Director-General to cancel a licence after giving 28 days notice to the licensee, and for appeal to the Minister against cancellation. Clause 68 will prevent children being kept in a child care centre for an excessive number of hours. The number of hours will be provided by regulation. This clause is necessary, as these centres are established to provide day care and not permanent residential care. Clause 69 requires the licensee to maintain a register of details about each child, and clause 70 provides for inspection of child care centres by the Director-General. Clause 71 makes an additional provision in circumstances where persons may be caring for three or less children in a family environment. Such arrangements do not constitute the business of child care under this legislation, and no licensing is required. The arrangements for this kind of child care are usually of a private nature where a few children are cared for in a private home. However, the persons providing such care might find it to their advantage and to the advantage of children to have some kind of official recognition. The clause provides, therefore, that a person may apply for formal approval by the Director-General. The application for approval would be voluntary and a person may care for up to three children in a family environment without the approval of the Director-General.

Subdivision 7 has to do with the protection of children and, in essence, reproduces those provisions of the Children's Protection Act, 1936-1969, which it has been considered

necessary and desirable to retain. The first Children's Protection Act was passed in 1899, and some of the provisions were taken from an earlier Act regarding the punishment of juvenile offenders, dated 1872. Many of the provisions, therefore, are quite out of date. Others have been provided for in subsequent legislation, mainly the Social Welfare Act and the Juvenile Courts Act. In particular, penalties against persons ill-treating children may be imposed under the Juvenile Courts Act, and powers to deal with ill-treated or neglected children are provided under the Social Welfare Act and the Juvenile Courts Act. There are existing penalties for placing immoral documents before children, which can be dealt with under other legislation. There are provisions regarding children under 13 years being employed in certain dangerous occupations and children under six years taking part in public entertainment. Both of these circumstances can be controlled under the Education Act and the Social Welfare Act. Section 14 of the Children's Protection Act regarding the sale of tobacco to children has been retained in this Bill in a later place.

There is provision in the existing Act for the corporal punishment of children, and these provisions have already been abolished by Act of Parliament. The provisions that have been retained in the Bill are those which were introduced into the Children's Protection Act by way of amendment in 1969 and which have to do with the compulsory reporting of suspected ill-treatment of children. This appears in section 5a of the existing Act and requires any legally qualified medical practitioner or any dentist or any other person declared by proclamation to report suspected ill-treatment of a child. The only amendment is in clause 13 of the Bill, where the age of a child to which the provision relates has been raised from 12 to 15 years, and the words "or an officer of the department" are included after "member of a Police Force" in subclause (1) of clause 73. It is believed that some professional persons are loath to report doubtful situations to the police where prosecution would normally follow, but would report such circumstances to the department if they understood that supportive and preventive services would then be available to the parents.

Subdivision 8 includes miscellaneous provisions regarding family care services. Clause 74 provides for the granting of financial or other assistance to any person having the care of any child under the care and control of the Minister or of any child under the guardianship of the Director-General under the Adoption of Children Act. Clause 75 places restrictions upon children living away from the custody of their parents unless they are in approved or authorized circumstances. This repeats existing section 170 of the Social Welfare Act. Clause 76 deals with children who are absconders from the place where they have been sent by the Director-General. This clause considerably simplifies section 123 in the Social Welfare Act, but subclauses (2) and (3) are new. They provide special powers for dealing with a person who has turned 18 years of age and who is under the care and control of the Minister and who absconds from any home or centre. On conviction he may be imprisoned for a period up to six months. This attempts to deal with situations where young persons over 18 years who have been placed in a training centre may abscond in the belief that by committing a minor offence they may be sent to prison for a shorter period than that which they expected to spend at the training centre.

Clauses 77 and 78 repeat existing sections 185 and 186 in the Social Welfare Act and have to do with powers concerning the unlawful taking of a child from any place where he has been placed by the Director-General and the unlawful communication with any child who is under the care and control of the Minister. Clause 79 is new. Officers of the department are continually making inquiries into circumstances where there is an allegation that a child is neglected, uncontrolled or otherwise in need of care, and at the moment there is no specific authority which would enable them to enter into premises for this purpose. The action taken by officers in this connection is extremely important and it is essential that they have proper authority to act in this way.

Clause 80 repeats existing section 14 of the Children's Protection Act, which makes it an offence to sell tobacco to a child under 16 years of age. Clause 81 repeats powers which appear in sections 132 to 134 of the Social Welfare Act. They provide power for the Director-General to receive and handle money on behalf of any child under the care and control of the Minister. Clause 82 deals with the transfer to prison of a child who is under the care and control of the Minister. A similar power appears in section 122a of the Social Welfare Act. The power is used very rarely but has been found necessary where a particularly difficult young person has not responded to training programmes in an institution designed for persons under 18 years of age.

At the same time, there has been uncertainty in the past regarding the status and rights of a State child transferred to prison. The provisions in the clause have been altered, therefore, to provide that no child under the age of 16 years may be transferred from any home or centre under the control of the department to a prison and further that such child shall be eligible for remissions and parole in the normal way.

Part V introduces special provisions relating to Aboriginal affairs. Much of the existing Aboriginal Affairs Act has not been retained in this Bill. Some of the existing provisions are of a protectionist or paternal nature. The powers in other parts of this Bill are sufficient to provide services and assistance for Aborigines in the same way as for all other sections of the community. At the same time, it is recognized that Aboriginal persons, both as individuals and in groups, continue to need certain special assistance in order to enable them to strengthen their identity within the general community. In that regard, clause 83 sets out the general powers and functions of the Minister in promoting the development of the Aboriginal people. Clause 84 repeats the powers of section 18 of the existing Act regarding the establishment of Aboriginal reserves. Clause 85 regarding the management of reserves is new. Subclauses (2) and (3) empower the Minister to grant a licence over any land or premises within an Aboriginal reserve to an Aboriginal person for the purpose of erecting a dwelling or establishing any industry, business or trade. Clause 86 empowers the Minister to acquire land on behalf of Aborigines, and repeats similar powers in section 21 of the existing Act. Clause 87 provides that a reserve is to be regarded as a public place. This is necessary in order to remove any difficulty concerning police officers carrying out their normal duties on a reserve. Clause 88 replaces section 23 of the existing Act regarding unauthorized persons entering Aboriginal reserves without the permission of the Minister. There is provision for the Minister to delegate the power of granting permits to any group or association of Aborigines on a reserve, and for the abolition of the permit system in respect of any reserve under certain conditions. Subclause (2) provides that the Minister may delegate his power to any Aboriginal council or other association on a reserve. Subclauses (7), (8) and (9) restrict the exercise of mining rights on an Aboriginal reserve.

Section 26 of the existing Act provides power for an officer of the department to enter any place at reasonable times for the purpose of inquiry into the circumstances of any Aboriginal employed there. This wide power is no longer considered necessary, but clause 89 provides power of entry for any authorized officer into any pastoral lands to inquire into the welfare of an Aboriginal person there. Some of these Aborigines are semi-tribal people who are employed in very remote locations, and it is necessary from time to time to inquire into their health and welfare. Clause 90 is new and provides that the Director-General may assist Aboriginal persons and the court where an Aboriginal is being dealt with on an offence. Clause 91 repeats powers at present existing in section 29 of the Act whereby the Minister is empowered to act as an agent for any Aboriginal person to undertake the general care, protection or management of his property. The Minister may act in this way only following a request in writing by the Aboriginal person. Clause 92 introduces Part VI concerning maintenance obligations. These provisions are extensive and complicated, and number from clause 92 to clause 234. Other than for some minor amendments to clarify certain procedures, the provisions are the same as those that appear in Parts III and IIIa of the Social Welfare Act. There have been no amendments of any substance or of a policy nature, and I do not intend to comment on the large number of clauses that appear under this heading.

Clause 235 introduces Part VII concerning provisions of general application. Some of the provisions under this heading in the Social Welfare Act have been deleted at they are considered to be unnecessary or undesirable and some merely duplicate provisions of the Juvenile Courts Act. As most of the clauses repeat existing powers, with some minor modifications and clarifications, I will not comment on each clause, but will refer to the existing section in the Social Welfare Act. Clause 235 is new. It provides protection for the Minister and officers of the department against claims for compensation for damages occasioned by a child under care and control. Clause 236 is section 177 of the Social Welfare Act; clause 237 is section 96U previously found in Part IIIa of the Social Welfare Act; clause 238 is sections 178 and 179; and clause 239 is sections 197, 197a and 197b. Clause 240 is new in this Part, and empowers the Public Trustee, with the approval of the Minister, to administer the affairs of certain persons under his control. Clause 241 is section 189a;

clause 242 is section 194a; and subclause (1) *(c)* is new and will enable the department to provide the court with information obtained from outside the State about the earnings of a person in connection with maintenance matters. Clause 243 is section 194b; clause 244 is section 180; clause 245 is section 180a; clause 246 is section 177a; clause 247 is procedural and replaces section 39c, and clause 248 is section 201. Clause 249 provides penalties for certain offences and replaces section 187; clause 250 provides for regulations to be made, and clause 252 makes provision in relation to contraventions of the Act for which no specific penalty has been provided. It also provides for the summary disposal of proceedings in which offences against the Act are alleged.

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

ADJOURNMENT

At 12.25 a.m. the Council adjourned until Wednesday, March 29, at 2.15 p.m.