LEGISLATIVE COUNCIL

Tuesday, October 31, 1972

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

QUESTIONS

ABATTOIR

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

Leave granted.

The Hon. R. C. DeGARIS: Complaints have been made that some producers of high-quality lambs in South Australia are unable to have their lambs processed at the abattoir. From the limited inquiries I have made it appears that lambs from other States are being killed at the abattoir to the exclusion of local lambs. Can the Minister say what is the position at the abattoir in regard to this question?

The Hon. T. M. CASEY: I believe this matter was discussed last week by the Operations Committee, which controls the inflow of sheep and lambs into the Gepps Cross abattoir. I understand that the arrangements made have since been altered, but I have been unable to get a full reply from the committee. However, I will certainly try to obtain the information the Leader seeks and bring it down as soon as possible.

RAILWAY SLEEPERS

The Hon. C. R. STORY: Has the Minister of Lands, representing the Minister of Roads and Transport, a reply to my question of October 24 regarding the use of timber sleepers for proposed new railway lines?

The Hon. T. M. CASEY: The Minister of Roads and Transport has informed me that he is aware that at Paringa there is an industry, part of whose business is railway sleeper production. The Managing Director of the company wrote to the Minister of Roads and Transport on October 2, 1972, and raised the same matter as the honourable member has raised. The Minister replied on October 25, 1972, to Mr. Rowe, pointing out that it is the policy of the South Australian Government to use concrete sleepers in the proposed railway standardization project.

PORT LINCOLN ABATTOIR

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: General concern is felt by people on Eyre Peninsula regarding the future of the Port Lincoln abattoir. For some years it has been known that, to retain its export licence, the abattoir must reach certain standards and that considerable money from the Treasury must be made available for such a programme of improvement. Stemming from a report in the *Lincoln Times,* it is now rumoured that the abattoir may lose its export licence when it expires in January, 1973. As such a loss would seriously affect the whole peninsula, including not only producers but also those employed at the abattoir, and as it is likely that the valuable fishing industry which makes use of the abattoir facilities would also be affected, can the Minister say whether there is any truth in this rumour? If there is, can he say what steps he has taken to alleviate or correct the position? Further, can he give us a true picture of what is taking place at the abattoir?

The Hon. T. M. CASEY: The history of the Port Lincoln abattoir goes back a long way. Over the years, Liberal Governments did very little about the abattoir. I do not say that unkindly: it is a statement of fact. However, over the last few months I have made provision for a new amenities block there; that has been sadly lacking for some years. This project has already been approved, and work will be started soon.

The Hon. C. R. Story: That should upgrade the abattoir tremendously!

The Hon. T. M. CASEY: If the honourable member wants to ask a question, he is at liberty to do so. The sealing of roads has needed attention over the years. In this connection, I have permitted money to be spent to seal the road leading into the abattoir proper. Last week an officer from the Commonwealth Department of Primary Industry inspected the works; I do not know what his report will say to his department in Canberra. I have already been in touch with the veterinarian who made the inspection and told him that, if there is any further information required, I shall be willing to fly to Canberra to discuss the matter with the head of his department and to see what the situation is. One of the problems that has caused concern for many years is that of the old chilling works. We hope to do something about this problem, but at this stage I cannot say when the work will be undertaken. When the United Kingdom enters the European Economic Community on January 31, 1973, we will find that the standards required by

the E.E.C. exceed those required by the Agriculture Department of the United States of America. So, many abattoirs in Australia that could export meat to the United States may not be able to export meat to the E.E.C.

The Hon. A. M. WHYTE: Since the Minister seems well aware of the situation at Port Lincoln, could he detail the cost of the various items which he and I know need to be upgraded? Has this been itemized, and will finance be made available for this project; also, can the Minister say that, when the upgrading is completed, the abattoir at Port Lincoln will meet the European Economic Community standards?

The Hon. T. M. CASEY: I cannot give the honourable member an itemized list of all the improvements that need to be made at Port Lincoln. That would have to be done by a consultant. At what stage we can get this or when we will get this information I cannot say.

The Hon. A. M. Whyte: Can you give an overall cost?

The Hon. T. M. CASEY: No, I could not even give that, because I do not know exactly how many things are entailed in bringing the abattoir up to a certain standard. One cannot say whether this standard will be acceptable to the Department of Primary Industry, because it is that department which makes an inspection of the works, and it is up to the individual countries to send veterinary inspectors to make final arrangements, as is the case with exports to the United States. An abattoir may be passed by the D.P.I., but if Dr. Meisner and his people come around on behalf of the Agriculture Department from the United States they could rule it out. It is very difficult, but at least some assessment is given from the D.P.I. in Canberra. I believe that department is looking at other aspects in abattoirs which could be of some benefit to abattoirs generally throughout Australia in meeting requirements of the United States and the E.E.C. However, they are only rumours that I have heard; I have nothing concrete to that effect. I assure the honourable member that, if it is humanly possible, every attempt will be made to maintain the Port Lincoln abattoir as an export abattoir and that, if it is taken off the export abattoir list, every attempt will be made to get the abattoir back on the list again.

RECLAIMED WATER

The Hon. L. R. HART: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. L. R. HART: There has been much discussion in the Virginia area about the possibility of about 1,200 acres of land being developed with the use of reclaimed water from the Bolivar treatment works. The land adjoins and has a long frontage to the Bolivar outflow channel and would be ideal for development. The Government has been making very costly and detailed investigations into the possibility of using the water from the channel for irrigation purposes. I believe that any person entering into a contract to use the water is not permitted to sell it to others. Some people in the area fear that, if a licence is granted for the use of the water for the development of new areas, established gardeners, who desperately need extra water, will have very little hope of being granted licences for it. The Minister said he believes that this water should not be released until we are positive that it is quite safe for use for irrigation purposes. Is it correct that there has been a change in policy regarding the release of this water in two respects: first, that it will be released to developers for the resale of the water to the purchasers of blocks of land that may be subdivided; secondly, is it now the view of the department that the water is perfectly safe for use for irrigation purposes?

The Hon. T. M. CASEY: I will refer the question to my colleague and bring down a reply when it is available.

HILLS SUBDIVISION

The Hon. H. K. KEMP: I asked a question on October 10 regarding Hills planning. I believe the Minister has a reply.

The Hon. T. M. CASEY: I took up with my colleague, the Minister of Environment and Conservation, the questions raised by the honourable member in relation to Hills subdivisions. The Minister has now informed me that a study of the Mount Lofty Range from the Barossa Valley to Cape Jervis has been completed and the results are being evaluated as quickly as possible. It is intended that any new policies for the range, in the light of the study, will be incorporated into a draft supplementary development plan for that portion of the range within the Metropolitan Planning Area, and into the draft Outer Metropolitan Planning Area Development Plan. It is hoped that the two draft development plans will be forwarded to Government departments and councils for comment before the end of this

year, and placed on public exhibition early in 1973. The Planning and Development Act requires development plans to be available for public inspection for at least two months, so there should be ample time for representations to be made to the State Planning Authority by interested parties before any further steps are taken towards implementation.

KALANGADOO HOUSES

The Hon. R. C. DeGARIS: Has the Acting Minister of Lands received from the Minister of Roads and Transport a reply to my recent question regarding houses at Kalangadoo?

The Hon. T. M. CASEY: My colleague reports that the South Australian Railways has 10 houses at Kalangadoo. Six are South Australian Housing Trust prefabricated houses and the other four are railway cottages erected towards the end of last century. The six prefabs have all-purpose septic tanks connected to a common departmental effluent drain which flows to a common drainage bore. It was intended to connect the older houses to this drain but, in view of their age and condition, it was decided that they would be demolished. They were occupied by members of the permanent way gang which, as part of a general reorganization of gangs, was transferred to Penola, where new houses were built to replace the old ones. The only other maintenance carried out to the old houses was minimum maintenance pending completion of the new ones at Penola. They are unsuitable for letting as they are damp and do not have septic tanks connected.

CONSERVATIONISTS TRAINING SCHEME

The Hon. C. M. HILL: Has the Acting Minister of Lands received from the Minister of Environment and Conservation a reply to the question I asked on September 14 regarding a conservationists training scheme about which I had heard?

The Hon. T. M. CASEY: My colleague took up with the New South Wales Minister for Lands and Tourism the matter that the honourable member raised in relation to the intended establishment of a nature training college for conservationists in the Blue Mountains. The New South Wales Minister for Lands and Tourism has now provided the following comments:

It is correct that the New South Wales Government has concerned itself with the establishment of a school of nature conservation. As a matter of fact, this subject was discussed in our Parliament only a few weeks ago. It cannot be denied that there is a definite need to establish a school to educate personnel in all matters concerning the protection of our wild life and the preservation and utilization of those areas reserved as national parks, State parks and historic sites. It is the aim of my Government to provide such a facility.

The honourable member asked a series of questions about the proposal, and the answers as supplied by the New South Wales Minister are as follows: first, it is intended to establish a school of nature conservation. It is considered that the Blue Mountains would be an appropriate site. Secondly, the venture is one being undertaken purely by the New South Wales Government. There has been no agreement for the various States to contribute towards its cost. It is not relevant for South Australia or any other State to approve the establishment or agree on its location. Thirdly, initially the provision of such a school would permit training courses to be given to New South Wales students. At a later stage interstate and overseas personnel would be invited to attend the school.

MAIN ROAD No. 20

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question of the Acting Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to Main Road No. 20, which passes through the outskirts of the Barossa Valley to New South Wales. I understand that the Highways Department has planned very considerable alterations to the route of the road from the other side of Daveyston, by-passing the townships of Greenock and Nuriootpa, which will involve considerable expenditure. I believe that the projected reconstruction is most necessary. I understand that the work is to be undertaken "in the near future", but can the Minister ascertain from his colleague more precisely when the Highways Department intends to commence this work? I know it has been pegged out for some time. Also, can he give some idea of the time it will take to complete the work?

The Hon. T. M. CASEY: I will endeavour to obtain the information for the honourable member from my colleague and bring down a reply when it is available.

FILM CLASSIFICATION

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question about film classification?

The Hon. A. I. SHARD: My colleague, the honourable the Attorney-General, advises that, prior to the introduction of the R certificate

films in this country, a new form of film censorship classification was introduced in an endeavour to make censorship classification uniform throughout the Commonwealth. To this end, all States agreed that the Commonwealth Government would act on behalf of all the States as the film censoring authority. This was necessary as the Commonwealth itself has no statutory power enabling it to censor films for the States, except by arrangement with the States. Resulting from this arrangement and the passing of relevant legislation in each State, it is required that all films imported into Australia be submitted to the Commonwealth Film Classification Board for registration and censorship classification. The board classifies each film as it sees fit. The classifications are G (for general exhibition), NRC (not recommended for children), M (for mature audiences), and R (restricted—children between two years and 18 years not admitted), and these classifications are accepted and used throughout the Commonwealth.

All advertising material imported with each film is also vetted by the board, and every separate item of material is required to carry the correct censorship classification. With the exception of minor variations, the laws relating to film censorship classification are uniform throughout the Commonwealth, and the Film Classification Act of 1972 in this State provides that, where a person publishes or causes to be published an advertisement that does not carry the correct censorship classification, a penalty of $50 for the first offence and a penalty of $200 for a second or subsequent offence shall apply. Motion picture theatre interests have no say whatsoever in the fixing of censorship classifications, and exhibitors in this State would rarely have any connection with the submission of a film to the Commonwealth Film Classification Board.

The prospect of a film being advertised as an R certificate film when it really is an M certificate film is extremely remote as all trade papers, film lists, and advance advertising material always carry the correct Commonwealth censorship classification, and the likelihood of an erring exhibitor getting away with an illegal change of censorship classification in this State is most unlikely. The majority of films released in South Australia have been shown previously in the Eastern States and any change of censorship classification would be most likely to be recognized and reported. No alleged breach of the censorship classification section of the Film Classification Act, 1972, has been reported to the Attorney-General's office since the Act came into force earlier this year.

MEAT

The Hon. G. J. GILFILLAN: I seek leave to make a short explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. G. J. GILFILLAN: Last week during a debate on the Metropolitan and Export Abattoir some worthwhile ideas were put forward about the advertising of meat. The abattoir, under its new name, having to have its vans repainted and perhaps new letterheads printed, could prove to be a worthwhile medium for the advertising and promoting of meat. In view of the publicity staff that, I think, will be available to the new authority, can the Minister say whether he will investigate this matter with the idea of using some of those facilities?

The Hon. T. M. CASEY: I shall be happy to refer the honourable member's question to the new board when it comes into being to see whether some of his ideas can be implemented.

FISHING

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my question of October 17 regarding shark fishing in the South-East?

The Hon. T. M. CASEY: The Director of Fisheries, with whom I discussed the honourable member's question, disagrees with his contention that the fishing industry in the South-East is in difficulties, as most shark fishermen in that area also fish for rock lobster. The season in which they fish for rock lobster extends for 11 months and, if their catches are reasonable, the return on their investment and time spent to make these catches is much above many others in the fishing industry. No doubt the ban on school shark has had an effect on the incomes of a few who fished full time for shark, but the majority made only a minor part of their income from shark catches. Since the ban on the sale of school shark was imposed, 16 special experimental permits have been issued to South-Eastern fishermen to use traps to catch leather-jackets, and any further applications from shark fishermen for similar permits will be given favourable consideration. I feel sure that any other worthwhile proposals by the affected shark fishermen for experimental fishing for other commercial species of fish would also have the Director's sympathetic attention.

UNEMPLOYMENT RELIEF

The Hon. A. M. WHYTE: Has the Minister representing the Minister of Lands a reply to my recent question about unemployment relief?

The Hon. T. M. CASEY: In making funds available to the States to relieve unemployment in non-metropolitan areas the Commonwealth Government has stipulated that expenditure must be through State Government departments, semi-government authorities or local governing authorities. This would exclude any funds being made available under the scheme through a Commonwealth Government department and also explains why no grants have been made to areas outside local government boundaries. Discussions have taken place with the Commonwealth on this matter and agreement has been reached on the conditions under which grant money can be spent in outback areas. Basically, it would be necessary for money to be channelled through an organization that has the capacity to supervise any activity undertaken, and to pay wages at the appropriate rate, etc. I have in mind local community progress associations or similar bodies. If the honourable member can provide me with names and addresses of people associated with these organizations within his district, contact will be made with a view to grants being made available.

ROAD MAINTENANCE TAX

The Hon. A. M. WHYTE: Has the Chief Secretary a reply to my question of October 26 regarding road maintenance tax?

The Hon. A. J. SHARD: It is presumed that the honourable member referred to certain carriers on Eyre Peninsula who joined an operator from the metropolitan area in challenging the validity of the Road Maintenance (Contribution) Act and who are now faced with having to pay road charges incurred since 1970 and any fines imposed by the court for non-payment and non-submission of returns. These cases are the exception. All other carriers on Eyre Peninsula have submitted returns and made regular payments and there is no evidence to suggest that road hauliers generally are not in a sound financial position. With regard to the cases referred to, it is normal business practice to set aside or pay into court moneys in dispute against the possibility of loss. Obviously, this has not been done and these operators are now in financial difficulties because they have spent the money properly due as road maintenance charges. In fairness to those carriers who have met their obligations, no special treatment can be afforded in these cases and the processes of law must be allowed to run their course. Provided, however, all outstanding returns are forwarded and reasonable offers for repayment are received and honoured, further legal action against these operators will be kept to a minimum.

The claim that, because of light backloading, Eyre Peninsula operators should be treated differently from other operators is also not valid. Backloading difficulties are a recognized hazard of all modes of transport and have been provided for in the Road Maintenance (Contribution) Act by basing the charge on 40 per cent of the load capacity. Any carrier who cannot on average exceed this capacity could not possibly stay in business unless very favourable prices were available.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (GENERAL)

Second reading.

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

That this Bill be now read a second time.

It amends the Criminal Law Consolidation Act on a number of different subjects. First, it provides for the determination by the Full Court of questions of law arising in the course of a trial resulting in either the acquittal or conviction of the accused person. This section follows in substance section 5a (2) of the New South Wales Criminal Appeal Act. A trial judge often decides important points of criminal law or evidence in the course of a trial. If the decision is wrong, the Crown has at present no means of rectifying the error, which remains a binding precedent on courts of inferior jurisdiction. Sometimes, a later ruling on substantive law appears inconsistent with earlier rulings. This creates uncertainty, and the Crown should have means by which an authoritative ruling on disputed legal points can be given without impugning in any way a decision resulting in the acquittal of an accused person.

Secondly, the Bill empowers a criminal court to confiscate firearms and other offensive weapons that are used in or to facilitate the commission of an offence. The superior courts at the moment can impose forfeiture only as a condition to a bond, and cannot impose an order for forfeiture based on facts which emerge from another charge, or any other

extraneous circumstances. This section gives them a general flexible power which goes beyond that contained in the Firearms Act, and enables the courts to deal with any contingency likely to arise.

Thirdly, the Curator of Prisoners' Property is empowered to institute civil proceedings on behalf of a prisoner, or continue, on his behalf, proceedings already begun. This will prevent a prisoner after his release being estopped from initiating an action, because it is Statute barred due to lapse of time.

Finally, the Bill makes amendments to facilitate the payment of witness fees. These amendments are complementary to amendments that have been made to the Justices Act. Clauses 1, 2 and 3 are formal. Clause 4 enacts that procedures laid down in the principal Act for the payment of witness fees do not prevent the payment of witness fees under the provisions of the Justices Act in the course, or at the conclusion, of a preliminary hearing. Clause 5 enacts new section 299a of the principal Act. This section provides that in certain circumstances the court may make an order for the forfeiture of firearms and offensive weapons. It may also prohibit the use, or possession, of these weapons by any person specified in the order of forfeiture. All orders may be varied or revoked on the application of a person with a proper interest in the matter if the court is satisfied that it is not inimical to the safety of the community to do so.

Clause 6 makes amendments to section 331 of the principal Act. The Curator of Prisoner's Property is empowered to institute, or continue, civil proceedings on behalf of a prisoner. If the action is not completed on the expiration of his sentence, the prisoner may continue the proceedings in his own name and in all respects as if he himself had originally instituted them. Clause 7 enacts new section 351a of the principal Act. The Attorney-General may appeal to the Full Court for the determination of a question of law arising in the course of a criminal trial. These proceedings are to be quite independent of the original cause, and must have their own separate title. The judge before whom the trial was heard shall transmit to the Full Court all matters relevant to the appeal. The Full Court is invested with power to hear and determine the question of law, but its determination does not affect or invalidate any verdict or decision given at the trial. As the proceedings have no connection with the defendant in the original cause, he does not have the right to be represented at the hearing. Therefore, the Attorney-General is required to instruct counsel to argue the case for both sides. All costs of the appeal are to be paid from funds provided by Parliament. I have given the full explanation of the Bill because I want the explanation to be similar to that given in another place. However, because this matter has been adjourned for a considerable time, in Committee I shall move that clause 7 be struck out from the Bill; it will be dealt with in another way in the future.

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

METROPOLITAN ADELAIDE ROAD WIDENING PLAN BILL

In Committee.

(Continued from October 25. Page 2420.)

Clause 6—"Certain building work not to be carried out without the consent of the Commissioner."

The Hon. C. M. HILL: One cannot help wondering why this matter was not introduced as an amendment to the Highways Act. People involved in land acquisition by the Highways Department ought to be able to turn to the one Act to see just what their position is. I hope the Minister will comment on that point. Clause 6 at present provides:

> A person shall not, without the consent of the Commissioner, suffer or permit any building work to be carried out on land to which this Act applies—
>
> *(a)* in the case of building work being the erection or construction of any new building or structure, within six metres of the boundary of that portion of that land shown on the plan as being required for road widening;

The boundary referred to in that provision is the boundary, as defined in the road widening plan, between the newly widened road and the balance of the registered proprietor's land. In other words, the boundary is the new boundary after ultimate acquisition. I believe it is unwise and improper for the Commissioner of Highways to have any say whatever about where an owner should place improvements on the balance of his land.

I appreciate that the Commissioner must have some say regarding what is done with the piece to be acquired: if he has that say, the owner ultimately will not build on it and the cost to the State of the acquired portion will be less in the years to come. Surely it is the role of local government to fix building

alignments. Anyone wanting to build has to set the building back to the building alignment.

It seems odd that the Commissioner should have the right to force a builder of shop premises to set them back 20ft. from what will be the ultimate boundary. I believe that most councils have a building alignment 20ft. or 25ft. back from the boundary for residential buildings, but I am in doubt about shops and commercial constructions.

Can the Minister say why it is necessary for shops to be set back 20ft? If he can give an explanation, I shall be willing to reconsider my amendment. Regulations under the Planning and Development Act are beginning to take effect in many council areas, and I am not certain what those regulations may require in respect of shop premises.

The Hon. T. M. CASEY (Minister of Agriculture): This proposal has been submitted as a separate Bill to avoid any confusion with powers already existing under sections 27b and 27c of the Highways Act, 1926-1972, which deal specifically with alignment of roads in any area. The proposal in this Bill deals with an issue which to the present time has been regulated by the provisions of the Building Act by local government authorities co-operating with the Highways Department on nominated roads. By placing the proposed powers in a separate Bill which provides for a plan to be lodged for public display at the Registrar-General of Deeds Office and which specifies thereon the particular roads to which it applies, it is considered that a more effective implementation of the requirements may be achieved, free from any other provision which may be implied within the Highways Act. The question if siting commercial buildings 6 m back from the new boundary is virtually in keeping with the provision of the regulations under the Planning and Development Act, which specifies a distance of 25ft. from the existing boundary for shops.

The Building Act, 1970-1971, when operative, will provide for councils to make by-laws for "the fixation of the building line for any class of buildings with reference to the street alignment" (section 60 (1) (f)). Where such by-law is inconsistent or incompatible with the Planning and Development Act regulations the planning regulation shall apply, as provided in section 60 (2). As to section 60 (3), the powers conferred under paragraphs (c), (d), (e) and (f) of subsection (1) shall not be exercisable in respect of any land that is included within an authorized development plan under the Planning and Development Act, 1966-1969. As at March, 1969, certain council requirements were in force, and I ask leave of the House to have a table setting out building line figures incorporated in *Hansard* without my reading it.

Leave granted.

BUILDING LINE FIGURES FROM NEW ROAD BOUNDARIES AS AT MARCH, 1969

Council	Requirements
Brighton	25ft. residential
Burnside	25ft. residential
Campbelltown	25ft. residential
East Torrens	25ft. residential (where possible)
Enfield	25ft. residential
Glenelg	25ft. residential
Henley and Grange	25ft. residential (unless otherwise agreed upon)
Hindmarsh	35ft. residential (Main roads)
Kensington and Norwood	25ft. residential (depending on circumstance. No by-law to enforce)
Marion	25ft. residential (no by-law)
Mitcham	25ft. residential
Payneham	25ft. residential
Port Adelaide	Buildings must abide by Building Act regulations.
Prospect	28ft. residential (after road widening)
St. Peters	35ft. residential (refer copy of new by-law)
Tea Tree Gully	Building Act regulations only
Stirling	25ft. residential 25ft. residential (depending on circumstance)
Thebarton	No by-law—build on line with existing building
Unley	15ft. residential
Walkerville	35ft. residential (where affected by M.R.W.)
West Torrens	25ft. residential
Woodville	No by-law—no set minimum except for areas affected by M.R.W.

The Hon. T. M. CASEY: The Planning and Development Act zoning regulations refer to a building line in the case of one class of building only, that is, a shop, and the alignment requirement for every shop is that no part of any building on the land shall be nearer to the boundary of a street or road than 25ft. A shop is defined as:

> Any premises used or designed to be used primarily for the sale by retail of goods, merchandise or materials, or for the exposure, offer or display of goods, merchandise or materials;
> A cafe or restaurant;
> A personal service establishment; but does not include a hotel, motor repair station, petrol filling station, bank, post office, timber yard, roadside stall or premises used for the sale, or for the exposure or offer for sale of motor vehicles or other vehicles or machinery, or of basic equipment or plant for use in industry, primary production or the building trade.

Now for some general comments. It will be seen from the attached list that 25ft. from the existing boundary is, with one exception (Unley), the minimum line for residential purposes. The Bill will not, therefore, conflict with the majority of metropolitan councils' existing by-laws. The regulations under the Planning and Development Act concerning a shop must be observed by a council, that is, 25ft. from the boundary.

Clause 6 (a) of the Bill includes all buildings with the 6 m distance, unless otherwise consented to by the Commissioner. This is considered to be essential to control corner widening, etc. Clause 6 (b) in effect carries forward the existing arrangements with councils regarding improvements to buildings on land required for road widening purposes. Contrary to the provisions of the proposed amendment, it is considered to be an essential aspect of the Bill to achieve uniformity in road widening throughout all councils affected by the scheme, both for new works and in those areas where some acquisition and/or construction has already been effected.

The vesting of the overall authority with the Commissioner of Highways, who is responsible for the costs of land acquisition, road design and construction, is considered to be necessary and desirable to achieve uniformity and a planned schedule for execution of work. For those reasons, I ask the Committee not to accept the honourable member's proposed amendment.

The CHAIRMAN: I do not think the Hon. Mr. Hill has moved his amendment yet.

The Hon. C. M. HILL: I thank the Minister for his comments. As the planning and development regulations over-ride the local government building alignments, that alters the point I made earlier. I heard with interest that the regulations under the Planning and Development Act provide that all new shop construction shall be set back 25ft. That distance is greater than the distance mentioned in the Bill. As the regulations play an over-riding part in this matter, my worries concerning local government are needless, and therefore I will not proceed with the amendment.

Clause passed.

Remaining clauses (7 to 10) and title passed.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2478.)

The Hon. G. J. GILFILLAN (Northern): I took the adjournment of the debate so that there would be time for certain amendments to be placed on file and certain replies received to questions from members. However, now that I have the opportunity I should like to make a few remarks in broad terms and to reply to the Hon. Mr. Banfield, who made quite a long speech. Obviously, whoever had done the research for that speech had gone quite thoroughly into one aspect of the situation, but much of the speech implied that employers in general were bad and employees in general were good. Having been an employee and a member of a trade union at one time, as well as an employer, I have found throughout my life that in the main most employers are good and in the main most employees are good.

The Hon. D. H. L. Banfield: About 98 per cent on both sides, actually. I would agree with you.

The Hon. G. J. GILFILLAN: I believe that in this Bill we are over-legislating to protect people from the few undesirable acts that occur. This could add substantially to the costs generally of industry within South Australia and seriously affect the future development of industry and employment within the State. I emphasize, too, that in the trade union movement we face a danger in placing too much power in the hands of people without providing some recourse to the court for the protection of the ordinary

private individual. This could lead to industrial domination by a few people. It is all very well for people to say that the unions do not do this and do not do that, but I have actually witnessed standover methods, and I know that they can be effective in changing the judgment of many people. It is wrong also to claim that all the benefits enjoyed by employees have come from the trade unions, as in many instances I know of employers who pay more and provide better conditions to hold a good employee.

The Hon. D. H. L. Banfield: But when have they ever initiated a case in the court for better conditions?

The Hon. G. J. GILFILLAN: That is the very point I want to make. If in many cases an employer, particularly a large employer, could act independently and give his employees benefits without having those benefits held up in the court by a union on a plea for better conditions in other industries, we could see better industrial relations between employers and employees and perhaps, in many cases, better conditions.

The Hon. D. H. L. Banfield: But the court still sets only a minimum rate.

The Hon. G. J. GILFILLAN: That is correct. This argument, which is another aspect of the employer-employee relationship, is also used. The trade union movement generally is inclined to accept the benefits provided by the court but to react against it if it is not in its favour. That is why I believe an individual should, as an essential part of our democratic way of life, have the right to bring an action for damages through the civil courts, especially for relief from a black ban.

The Hon. D. H. L. Banfield: Why did they decide not to use it for over 50 years?

The Hon. G. J. GILFILLAN: The black ban has become rather more of a weapon in the last few years, particularly in relation to the pastoral industry.

The Hon. R. C. DeGaris: And in isolated areas.

The Hon. G. J. GILFILLAN: That is so.

The Hon. D. H. L. Banfield: Black bans have been imposed in the last 70 years—not just from 1970 onwards.

The Hon. G. J. GILFILLAN: I believe the black ban is a most unfortunate weapon to use and, indeed, that every effort should be made to discourage its use. I am not against the union desire to have as many of the workers as possible enrolled in the unions, because I agree that where workmen are receiving benefits from awards there is some moral obligation on them to contribute towards the expenses of the unions that obtain those benefits. However, I do not believe in pressure being used to the extent that it was used on Kangaroo Island recently, where an employer was intimidated in trying to make him force his employees to join a union.

The Hon. D. H. L. Banfield: The employers do a lot to force employees to do certain things.

The Hon. G. J. GILFILLAN: I think I will ignore that interjection, because it does not make sense in this situation. Another point that should be made is that many of the benefits that accrue to employers and employees depend not just on good relationships and goodwill between the two: the standards often depend very much on the efficiency of management. This is a point that is overlooked: efficient management contributes greatly to the standard of living of people throughout the community. Many of the changes proposed in this legislation will undoubtedly be of benefit to the community, including employers and employees. Such a massive Bill, which contains 177 clauses and which in some clauses departs substantially from established practice, holds inherent dangers for the future of this State. Time should be given in Committee to enable a detailed clause-by-clause debate to take place so that the amendments that are now coming on file can be studied thoroughly in the context of the principles of the whole Bill. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I appreciate the support that honourable members generally have given to the Bill. It is clear that the emphasis that the Government has given to conciliation before arbitration is well accepted. If employers were willing to negotiate with trade unions rather than resorting to arbitration as a matter of course, there would be a considerable improvement in industrial relations in this State. I cannot agree with the Hon. Mr. Potter's statement that the South Australian Industrial Commission does not enjoy a very high reputation in the industrial sphere. It does not seem that the organizations that appear in the Industrial Commission, both employers and trade unions, agree with his view because there have been far more applications made to the Industrial Commission in the last two years than ever before.

The Hon. Mr. Potter claimed that our industrial patterns are largely taken from those established in New South Wales. While this is true

regarding some parts of the present Act, it is by no means the position in relation to all of it, and it is time that we as a developed industrial State stood on our own two feet and showed some initiative and original thinking. Time and time again the Government has been criticized for adopting laws or practices that apply in other States. We have repeatedly heard the statement that it is not really an argument to justify any legislation simply to say that this applies in other States. The South Australian Industrial Commission is the only industrial tribunal in Australia that is debarred from awarding preference to members of trade unions. Although we have pointed out repeatedly that this is the situation in every other Australian State, we are told it is no reason to adopt it here. Now, when we are leading the way and introducing reforms, we are told it is bad because there is no precedent for what we are doing.

However, I agree with the Hon. Mr. Potter that there is a need tor better education in the field of industrial relations. The Government has this year provided additional finance to the Workers' Education Association of the University of Adelaide to enable that association to appoint a full-time lecturer to organize and present courses of instruction for trade union officials. I understand that the Department of Further Education has proposals well advanced for industrial relations to be given as a separate subject for industrial and personnel officers as well as trade union officials. I know that the Industrial Relations Advisory Council, of which the Minister of Labour and Industry is Chairman, has been discussing this matter and appreciates the need for giving representatives of trade unions and employers the opportunity for study in this field.

Many of the matters that were mentioned in the debate will be more appropriately dealt with in Committee. However, there are some matters, particularly those that were referred to by more than one speaker, to which I would like to refer. There has been criticism of the widening of the definition of "employee". It is even claimed that this will greatly curtail the freedoms of certain people in the community. This is not so. The inclusion in the definition of employee of owner-drivers, labour-only subcontractors and others within the ambit of the Industrial Commission, is simply giving effect to the Government's view that all employed persons should be able to obtain the benefits of an award. We all know that people who are employed in the building industry as labour-only subcontractors enter into an arrangement with their employer to sell their labour by being paid for a job, not for their time. In many cases, it is just a means of getting around award provisions. This we are remedying by this Bill. It is not intended that a subcontractor who himself employs labour shall be an employee, but the widening of the definition is aimed at ensuring that so-called labour-only subcontractors do have the protection of an award.

With respect to owner-drivers, it may surprise members opposite to know that the Government has received several representations from the Tip Truck Operators Association for their members to have the protection of an award. It was also claimed that the definition of industry was too wide and would include people who are working voluntarily for charitable and religious organizations. The definitions of "industry" and of "employer" have certainly been widened to enable employees who cannot now be made subject to an award to have that protection. Awards at present can be made binding only on employers who are engaged by way of trade or for the purposes of gain and on clubs, hospitals and hotels. Organizations like Minda Home and the District and Bush Nursing Society, to give just two examples, do not fall within the present jurisdiction of the Industrial Commission, and therefore the substantial numbers of persons employed in such organizations cannot be made subject to an award. I point out that there is provision for exemption in the definition of "employee" as well as in clause 91. The Government feels it is far better to exempt employers where there is good reason than to continue the present position where thousands of employees cannot get the benefit of award coverage. Awards will not cover voluntary workers, because "employee" means a person who is employed for remuneration.

As expected, there has been objection to the clauses that will authorize the Industrial Commission and conciliation committees to grant preference in employment to unionists. Even though this matter has been previously debated many times in this Chamber, honourable members opposite still do not seem to understand the difference between "preference to trade unionists" and "compulsory unionism". The Bill provides, as the Industrial Code now provides, that the Industrial Commission and conciliation committees shall be empowered in the absence of agreement to determine rates of pay, hours of work, overtime rates and other conditions of employment. But these tribunals

are expressly prevented from awarding preference to unionists. What this Bill does is to empower the tribunals to award this condition of employment should the tribunal decide, on proper application being made and after hearing the views of the employers and the unions, that it is justified. As the Hon. Mr. DeGaris said, there is nothing in the Bill that instructs the commission to say that preference must be given to unionists, other things being equal. After all, there are preference in employment clauses in major Commonwealth awards applying in this State such as the Metal Industry Award and the Vehicle Industry Award. This is because for many years successive Commonwealth Governments have permitted the Commonwealth Conciliation and Arbitration Commission to retain the same power as this Bill now seeks to give to our State Industrial Commission.

Objection has also been taken to the power contained in subclause (3) of clause 25 to enable the Full Commission of the Industrial Commission to determine that, if in the interests of the preservation and maintenance of industrial peace and harmony it is expedient to do so, it determines that a dispute that involves employers and employees as such shall be an industrial dispute even though it is not within the definition of "industrial dispute" contained in the Bill. The object of this new provision is to enable the commission to try and reconcile differences between employers and employees, even though they do not otherwise constitute an industrial dispute. To give just one example, there was a stoppage of work this year because a union considered that insufficient fire protection was being installed on a building on which their members were working. The commission could not arrange a conference of the parties, even though work had stopped, because the matter was not an industrial matter. The object of this clause is simply to have the means to maintain industrial peace and harmony wherever disputes involving employers and employees occur. The Hon. Mrs. Cooper criticized the provision enabling the Governor to proclaim living wages. This does not change in any way the present situation: in fact, the clause to which she was objecting was inserted in the Industrial Code in 1946 and has operated to the satisfaction of employers and trade unions ever since.

Although it is not an important matter, I think I should refer to the comment that the Hon. Mr. DeGaris made, that there was no requirement in the Bill for decisions of the court or the commission to be published in the *Gazette.* There is no such requirement at present: the Industrial Code requires publication of awards in the *Gazette,* and this is continued by the Bill. Provision is made for the possible publication of an *Industrial Gazette* because in a year about 30 per cent of the pages in a *Government Gazette* are awards. About 2,000 copies of the *Gazette* are printed each week, but a survey made since the present Industrial Code was enacted indicated that only about 300 subscribers are interested in awards. If savings in costs of printing can be achieved by printing a separate *Industrial Gazette,* the Bill will enable it to be done.

The Hon. R. C. DeGaris: The point I made was that in an *Industrial Gazette* it must be read, but that is not contained in this Bill.

The Hon. A. J. SHARD: South Australia is the only State in which awards are published in the *Government Gazette:* New South Wales, Western Australia and Queensland each publish separate *Industrial Gazettes,* while in the other two States they are printed in loose form only. The Government believes that all employees should be entitled to annual and sick leave. Although several members commented on these provisions of the Bill, the matters that were raised can best be dealt with in Committee. The only other major matter raised in real debate concerns the clause in the Bill that provides that certain acts done in connection with an industrial dispute will not be a tort. This has been included because the Labor Party believes that the law should provide for the immunity of unions in actions for tort in respect of torts alleged to have been committed by or on behalf of a trade union in contemplation or furtherance of a trade dispute. This is not something we have dreamed up, because the words I have just used are the precise ones used by the Royal Commission in the United Kingdom, headed by Lord Donovan, that inquired into the question of trade unions in that country and reported in 1968. The Labor Party adopted the wording *in toto* because it expresses in the most sophisticated legal terms what the law of England has been or was thought to have been since 1871.

The Hon. Mr. Banfield has adequately answered the criticisms and indicated how far behind the times are those who oppose this clause. The Kangaroo Island dispute was a classic example in which the employers dug into the graveyard of ancient English industrial law to drag out an old skeleton that had been put safely to rest in this country more than 60 years before, and in England in 1871, so

the House of Commons believed, 100 years ago. If unions can be brought to the civil courts, prosecuted and ordered to pay damages as compensation, our system of conciliation and arbitration as we now know it could well be destroyed. The Hon. Mr. DeGaris referred to the Industrial Relations Act of the United Kingdom to support his argument. Everyone connected with industrial relations knows that the Industrial Relations Act has been a real legislative disaster. The Trades Union Congress remains completely opposed to the legislation. which is therefore really not operating. Clause 145 of the Bill accords with the recommendations of the Donovan Royal Commission, which the British Government did not adopt.

I appreciate the action of the Hon. Mr. Gilfillan in securing the adjournment of the debate last Thursday to permit the second reading speeches to be considered and a reply to be prepared. I also note that he hoped that in the Committee stage the clauses would be given detailed consideration. In that I concur: I hope we can get through the Bill gradually. I do not say that it must be passed by a certain time but I hope we settle down to it and reach a satisfactory conclusion as soon as possible.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

The Hon. A. J. SHARD (Chief Secretary): I have only just seen the amendments. I understand that the Minister whose portfolio covers the Bill wants to study certain matters from the Government's point of view. For that reason, I ask that progress be reported and the Committee have leave to sit again.

Progress reported; Committee to sit again.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2419.)

The Hon. JESSIE COOPER (Central No. 2): I know that the Government claims that it has a mandate to introduce long service leave after 10 years of service. Whether we are or are not impressed by the mandate story, which in any case seems out of date now (almost in the twilight days of this Parliament), the Government certainly has no mandate to introduce some of the injustices proposed herein.

First, I am not intending to oppose the basic social measure in the Bill, namely, long service leave after 10 years service. This will, of course, increase costs for services and products in South Australia at a time when we are struggling to keep our industries going. It will put South Australian producers at an even greater disadvantage compared with other States than it suffers at present. Moreover, it will give the majority of employers and employees increased dosages of long service leave to deal with—something which few desire, with its associated problems. At present, most men receive three or four weeks leave each year. The financial burden of trying to organize a 13-week holiday or extra-vocational activity is something that an average person does not wish to encompass more than once in each 15 years.

I shall illustrate this point by a commonly-stated complaint from men that they are not allowed to work in their long service leave period. They say, and have said to me, that, being workmen with families to bring up, they rarely have surplus cash to pay for trips or vacations for their ordinary three or four weeks leave each year, let alone the facilities to handle three months holiday (long service leave) every 10 years—perhaps when they are 30 years of age, again when they are 40 years of age and again when they are 50 years of age. Imagine, Mr. President, a man of 30 years of age who has worked 10 years for his employer (not a rare thing, I am sure honourable members will agree). He has a wife and three young children, with very little cash in his pocket; he is renting his house or paying it off; he has his garden going, and is proud of it. Along comes his long service leave, which he must take. He is forced to spend three months at home and is not allowed to work for profit. He is in no financial position to go travelling for three months and, even if he were, what mother would leave her family unless good arrangements could be made in her absence?

Even at this early age the children are reluctant to miss school, with the problems that come from a break in education. So Dad either goes off on his own for a while and worries about his family, house and garden, or he stays at home. When he is 40 years of age, the same pattern occurs. The wife probably has a job, the children are in secondary education, and neither the wife nor the children want to go away for three months at an inconvenient time. So, after a week's fishing or some other sport, Dad is back home, this time doing a spot of cleaning and cooking while his wife is working. By the time he is

50 years of age and long service leave comes around, he will be lucky if his wife, remembering past long service leaves, is willing to go on with the marriage. Is it for this that we are burdening industry and the competitive structure of the State? However, the Government demands 10 years service, so I suppose it will be 10 years service.

I now come to the injustices contemplated under the alteration to the groups entitled to participate in long service leave. I am concerned about this section and am worried about the implications in the definition of "worker" as to the effect on many people who have not previously been involved in the responsibility of providing long service leave. I refer to clause 3 (f), in which the definition of "worker" has been broadened to include a person in regular part-time employment; this clause includes a great number of people who are not regular workers in the sense of being fully employed. By reverting to clause 3 (e), we find a new definition for regular part-time employment, as follows:

"Regular part-time employment" means part-time employment on a regular weekly basis under a contract or agreement of hiring by the week or a longer period.

That vague definition is open to two interpretations. Apparently, this is accepted as meaning any hours or days done each week for any employer qualifying for long service leave. Although this, in most cases, would seem to be an unnecessary refinement of industrial provisions, if the Government wishes to include it from now on, one could perhaps accept the situation; but if I interpret clause 5 correctly, the Bill attempts to introduce this as a retrospective responsibility for all employers of part-time labour. It seems to me that a person who has been employed, say, as a cleaner for a great number of years is now entitled to long service leave on the cumulative basis visualized in clause 5 in circumstances where the employer has, hitherto, had no responsibility or requirement to provide financially for such leave.

The Hon. D. H. L. Banfield: That's not right. That person has always been included under clause 5.

The Hon. JESSIE COOPER: I have studied this matter and I understand what the honourable member means, but it has not been applied. This implies a demand on the employer of which he has had no previous warning nor any opportunity to make provision to meet it. There are circumstances, of course, in which this responsibility may be met fairly easily, I have no doubt, but let us imagine a woman, perhaps with a large family, who has had a regular help for, say, two days a week for many years in the raising of her family. Now, she is faced with a demand at the rate of two days a week for long service leave calculated for many years back, as per clause 5, and, moreover, at the rates of pay currently applicable. Let us take another example; let us consider an elderly couple, on or near the pensionable standard of living, who have had, and needed to have, assistance regularly in their home for some considerable number of years. Are these people to be presented with a demand for long service leave for those past years of service, years which envisaged no such requirement in any agreement for recompense for services? This, Mr. President, is an intolerable situation and quite unnecessary to the basic objects of the Bill.

The same situation will occur in charitable institutions, such as aged persons hospitals and rest homes, where a great deal of the work has been done by part-time employees. Are those institutions to be presented with demands for long service leave entitlement pursuant to the expiration of years of service, during which time they have had no legal requirement to provide such type of leave for part-time staff (nor, indeed, any warning that it would ever become necessary until this Bill was introduced)? It is likely that many such institutions have not realized the position in which they are likely to find themselves. It is urgently desirable that the Bill should be amended to limit the retrospective impact of long service leave in relation to those groups that have not previously been included.

The Hon. A. J. SHARD (Chief Secretary): I always enjoy listening to speeches made by the Hon. Mrs. Cooper, particularly when she deals with the kind of topic she has dealt with today. In my earlier days I would have loved to have some long service leave, but I worked and never had a holiday. I could tell a beautiful story about the first weekend holiday I had.

The Hon. R. C. DeGaris: Please tell us.

The Hon. A. J. SHARD: All right, I shall. I went to the Trades Hall many years ago, and we decided to take one or two boys to Henley Beach for an Easter weekend; it was our first break from work on pay for many years. When we went to Henley Beach on Easter Thursday, it started to rain, and it did not stop raining until the following Tuesday. That was my first break from employment on pay.

So, some people may find difficulty in connection with this Bill, as the Hon. Mrs. Cooper said, but such people would be in the vast minority. I believe that this Bill is all to the good. I was never in a job long enough to earn long service leave, but when I left to come here I got some long service pay. However, if I had received long service leave, I would have had no difficulty in filling in my time.

The Hon. Mr. Potter seemed to be clutching at straws in finding grounds to oppose the Bill. He criticized the fact that it had been presented to Parliament late in the last session of Parliament to appeal to sectional interests. He later contradicted himself by saying that the Government merely wanted to rush in and offer long service leave to everyone after 10 years service. This is not rushed legislation. It was one of the promises made in the Premier's policy speech before the last election. It is a promise we made to the people, and as a Government we honour the promises we make.

If anyone regards wage and salary earners as being sectional interests, then it is true, as the Hon. Mr. Potter said, that the Bill has been introduced for sectional interests. However, wage and salary earners represent about one-third of the total population of the State. It is therefore nonsense to say that the Government is putting the interests of individuals before the interests of Government, because the State comprises individuals, a large proportion of whom are wage and salary earners. No doubt we would have been equally criticized if we had introduced this legislation straight after the election when we had a mandate from the electors.

The Hon. Mr. Potter also criticized the fact that there was no mention in my explanation of any investigation about what impact this would have on costs in South Australia. The Hon. Mr. Banfield has already said that the best estimate that can be made is that it will cost about $3,000,000 a year. Whilst this may sound a lot of money, it is more important to realize that the increase in costs will be about one-third of 1 per cent of the wage bill, not only of the total wage bill of the State, but of individual employers. This can hardly be described as a major increase in costs.

There was considerable criticism about the retrospectivity of operation of the Bill. In fact, the Hon. Mr. Potter claimed that a Bill of this kind should not be made retrospective. It is interesting to note that the present Long Service Leave Act, which was passed by Parliament late in 1967 and assented to on November 16, 1967, operated in respect of service after January 1, 1966. The retrospective operation of this Bill is much shorter than that approved by Parliament for the original Act. It was also suggested that anyone whose employment was terminated three years ago would have a claim to long service leave. This was not intended and is not provided for in the Bill. In fact, the Bill clearly indicates that the increased benefits will apply only to a person who becomes entitled to long service leave after this amending Bill comes into operation or to a person whose services are terminated after it comes into operation. This is clearly stated in the first of the amendments in clause 4 of the Bill. With that amendment the Act will provide that where a worker after the commencement of the Long Service Leave Act Amendment Act, 1972, completes a period of not less than 10 years of service with an employer, he shall be entitled to long service leave.

Secondly, new subsection 8 contained in clause 5 of the Bill provides in line 19 that the entitlement to pro rata long service leave applies to a worker whose service is terminated after the commencement of the Long Service Leave Act Amendment Act, 1972. One of the Hon. Mr. Potter's criticisms, and the one which obtained the most publicity, was that the Act would apply to all part-time employees. There is nothing in the Bill which suggests that the Act will apply to people employed in private homes to help with cleaning for one hour a week, as he claimed. The definition of part-time employees was included in the Bill because it was not clear in the present Act whether or not long service leave applied to part-time workers and casual workers. If honourable members will look at the definition of regular part-time employment contained in the Bill, they will see that it means part-time employment on a regular weekly basis under a contract or agreement of hiring by the week or longer period.

A number of awards define regular part-time employment; generally speaking, they are employees who are regularly employed for 20 hours a week or more. This is the case in the awards which apply in hotels and shops, although in the case of nurses, regular part-time employment applies to employees who work for 18 hours a week or more. There

are many persons in regular part-time employment in shops, hotels and hospitals; also, the vast majority of cleaners are employed in offices and shops for less than 40 hours a week. They are all engaged on a weekly wage and are entitled to annual leave and sick leave. On the other hand, casual employees and persons employed, say, one day a week, such as shop assistants who work only on Saturday mornings, or a gardener or cleaner in a private home who works one day a week, are normally paid casual rates and are not engaged on a contract of hiring by the week.

Where necessary, awards distinguish between regular part-time employees and casual employees. Domestics employed in private homes who are not subject to any award are generally paid on an hourly basis, clearly indicating that they are in casual employment and not regular part-time employees. The whole object of the Act is to entitle workers to extended leave after a long period of continuous service. There is no reason why a regular part-time worker should not be entitled to long service leave, nor is there any reason why the prohibition on working during long service leave, which is contained in the Act, should not apply also to them as it does to full-time workers.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. F. J. POTTER: I have some amendments to clause 3, which I have drawn to cover matters mentioned during the second reading debate. I understand they will be ready in just a few minutes. In view of that, I ask the Chief Secretary whether he will report progress at this stage.

The Hon. A. J. SHARD (Chief Secretary): In view of the honourable member's suggestion and the late arrival of the amendments, I ask that the Committee report progress and have leave to sit again.

Progress reported; Committee to sit again.

OMBUDSMAN BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2479.)

The Hon. M. B. CAMERON (Southern): I support the second reading of this Bill, although I have some reservations about the appointment of the ombudsman, based mostly on the fact that the person to be appointed will be key to the success or otherwise of such an appointment. If the appointee is not able to fill the position satisfactorily, then clearly problems will arise immediately, just as they do within the Parliamentary sphere in relation to members of Parliament who do not understand the problems of their electorate. This man will be appointed to represent the whole electorate of South Australia in the capacity now filled, to some extent, by members of Parliament. I have experienced the situation in New Zealand, where I lived for three years, and where I have heard many times that Government departments are now spending far too much time on the production of paper work and the duplication of every item passing through the departments in order to protect themselves if, at any later stage, matters referred to the department are investigated by the ombudsman. In other words, the departmental official is very careful that he does not stray from the line in any way, and that he is able to produce paper work associated with every single move made by him or by the department under his jurisdiction in order to ensure that, at a later stage, he cannot be held responsible for not complying with the provisions of the Act or carrying out the spirit of the Act.

One of the clauses that will bring this sort of response from Government departments is clause 3, which provides as follows:

> "administrative act" means any decision, act, omission, proposal or recommendation (including a recommendation made by a Minister of the Crown) relating to a matter of administration made or done by any department . . .

That is a very wide definition. The definition adds that such an administrative act includes the circumstances surrounding that decision, act, omission, proposal or recommendation, but does not include certain other things. Even the circumstances surrounding the decision must be brought into the case put forward. Relating that to clause 18 (5), it is provided as follows:

> If, during or after any investigation, the Ombudsman is of the opinion that there is any evidence of a breach of duty or misconduct on the part of any member, officer or employee of any Department, Authority or proclaimed Council he shall refer that matter to the principal officer thereof.

It is vital for any public servant to ensure that he is completely covered in any matter within his jurisdiction that comes forward, otherwise at a later stage he may have to answer for any act he has undertaken that perhaps does not comply with the spirit of the legislation.

This could mean more red tape associated with Government action rather than less. It could mean that the ombudsman creates work by his very existence, because the tendency

will be for Government departments to be ultra careful not to stray from the line in any way whatsoever. Clause 6 (2) is interesting. I would have thought that perhaps the salary to be paid to the appointee should be referred in some way to Parliament. I will be interested to hear why the initial salary is not mentioned in the Bill. I realize that increases often are brought about through the Public Service, but I would be interested to hear what the salary of the ombudsman might be. It will be necessary, of course, to pay the highest possible salary to get the right type of person.

The Hon. A. J. Shard: You tell me and we will both know.

The Hon. M. B. CAMERON: I am sure the Chief Secretary will be able to tell us at a later stage. Clause 13 is important, giving the ombudsman, as it does, the right to investigate any administrative act where, in his opinion, in the circumstances of the case, it is not reasonable to expect that the complainant should resort or should have resorted to appeal, reference, review or remedy. This is a review or remedy that normally would have been available to the individual. It is important, with the cost of legal proceedings nowadays, to see that a person is not deprived of the right of going to the ombudsman, if he is appointed, in cases where that person has a right of appeal through the court or where it is not worth going through the courts. He should not be denied the right to go to the ombudsman merely because such a right of appeal exists. It means that the ombudsman has the power to decide whether or not the individual should have this right, and of course much of the ombudsman's work will be in making decisions as to who should have the right and who should not.

The cost of legal proceedings causes many problems. Anyone associated with the law would agree that often a person is not able to proceed through legal channels, either through ignorance or through having reached a stage where it is not worth while proceeding, because of the associated costs. The law of the land could be denied to people not in a financial position to use its processes. I am not condemning the Law Society, which has means by which people can obtain assistance, but anyone who deals with the law knows the problems arising within this system.

The Hon. F. J. Potter: You are referring to the apparatus of the law itself.

The Hon. M. B. CAMERON: Correct. The law tends to make things very complicated for the ordinary citizen. Clause 17 will cause the ombudsman considerable trouble, and the provisions of this clause will take up a great deal of his time, in deciding whether a matter that has been raised is trivial or whether it is frivolous, vexatious or is not made in good faith, that the complainant or the person on whose behalf the complaint was made has not a sufficient personal interest in the matter or that, having regard to all the circumstances of the case, the investigation or the continuance of the investigation of the matter raised in the complaint is unnecessary or unjustifiable.

In that case, the ombudsman will have a fair bit of work to do and many decisions to make. Indeed, he will find himself spending much time deciding a matter on those four grounds. I know that his decision will be final: if he makes a wrong decision, the person involved will have lost his right of appeal. In that case, when a person considers that his complaint has not been properly dealt with by the ombudsman, a member of Parliament will have to enter into the matter again. There may therefore still be some purpose in having members of Parliament to deal with complaints by members of the public.

The Hon. D. H. L. Banfield: This does not take away the right of the individual to follow-up complaints himself.

The Hon. M. B. CAMERON: That is so, but any person associated with Parliament knows that it is not as simple for an individual to do something himself as it is for a person who knows the way departments work to do so.

The Hon. D. H. L. Banfield: The individual does not always know the correct way to go about this.

The Hon. M. B. CAMERON: That is so. He will end up back with us, and that is where our work will start. The cost involved and the possibility of losing the case would preclude most citizens from taking action themselves. Although in some cases the matter dealt with by the ombudsman will in the overall context of government be considered minor, it could be a major matter to the person involved. As a member of this Council and as a former Senator, I have had brought before me matters in which some redress has been obtained but in which the people involved had not been able to obtain this redress by their own devices under the normal processes of appeal.

The Hon. D. H. L. Banfield: It will be nice to hand some of these over, won't it?

The Hon. M. B. CAMERON: Not at all. That is the side of politics I enjoy. I am sure, however, that some honourable members will be happy to hand these things over. I hope the honourable member is not in that category.

The Hon. D. H. L. Banfield: I shall be happy to hand some on. I do not want to do anyone out of a job.

The Hon. M. B. CAMERON: I have some reservations about the Bill, because of the possible increase that will occur in the amount of red tape. I hope this will not occur, however. I support the second reading.

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

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2485.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Last Thursday, when I sought leave to conclude my remarks, I had dealt with one or two aspects of the Bill. As with many Bills that have come before the Council this session and in previous sessions, much of the work should be done in Committee. This measure is largely a redraft of provisions contained in the existing legislation, with several important changes, with one or two of which I dealt on Thursday. I intend not to go through each clause but rather to deal with what I consider to be one or two important matters in the Bill.

I dealt on Thursday with the change in the existing situation, requiring that a person shall not be a land broker and a land agent. I also dealt largely with the general principle that has been followed over the last 100 years or more, stating that this system had worked exceptionally well for South Australia. Indeed, our system, in relation to our standard of practice and the cost to the consumer, is the envy of all other States. Both these factors were dealt with exhaustively on Thursday.

I want now to isolate the position a little further and deal with the position in the country areas of this State. It is often said in the Council that many honourable members look only at the country position. Be that as it may, it is reasonable that the position in the country should be examined in depth. I consider that this Bill will prohibit the continuance of the relationship that exists between stock agents and their clients. Anyone who knows the country areas of South Australia will agree that the relationship between primary producers and their stock agents is personal and, indeed, is a much closer relationship than that which can exist between a client and solicitor or a client and his land broker.

In South Australia there are more than 100 country centres in which stock agents operate. These agents represent their clients in practically all their business requirements. There is a close relationship between the country man and his stock agent, the latter acting as a secondary banker, financier, merchant, insurance agent, and trustee, who also handles travel arrangements. Indeed, no matter what the country man requires, he relies almost entirely on his stock agent to provide that service. Because of this, and because of geographic isolation, which is a factor that one must not overlook, the country man naturally wants his stock agent to complete any documents necessary in connection with a land transaction. It would be an affront to the country man to find that his stock agent could not continue to provide the service he had always provided.

If land brokers are separated from stock agents, the country man will have limited access to land brokers and solicitors when wanting to complete these transactions. The stock agent's business relies upon the continuity of this sort of work. This is not a short-term position. The relationship between a primary producer and his stock agent is not something that happens occasionally and there is no further contact: it is a continuing association, and stock agents must ensure the standard of their business activity, because of the importance of this continuing business in wool, stock and other sales that are channelled through the agency. Apart from broking of their wool, many primary producers rely completely on their stock agents to buy and sell their livestock, and they will expect exactly the same situation in regard to their land transactions. In the last 12 months the major stock agents of South Australia completed 602 commission sales of rural land; also, they carried out the documentation for 588 non-commission sales—that is, the preparation of documents only.

This illustrates the degree of confidence that the country man has in his stock agent to handle these matters for him. Apart from the major stock agents operating in South Australia, there are many highly skilled and respected stock agents, some of whom are stock agents in the full sense of the word and others of whom have limited agencies. There are people with land broking businesses and land agents' businesses, with insurance and

wool agencies, and there are one or two others. There are many such people in the community who are highly respected, have excellent businesses and have acted for people in that community for many years. This legislation will cut right across that service that those people give the public. Apart from the general matter with which I dealt on Thursday—what advantage is there in separating the land broker from the land agent?—when we transfer this into the country area we can see that it will present several difficulties for the country people and will cut them off completely from the services that the present land broking agencies are providing.

I was surprised to read in the press a report stating that the Attorney-General had instanced some cases in recommending a change in our system. I was surprised at the cases he quoted. I mentioned last Thursday that, even if a few cases of negligence or error were reported or were known and reported in the future, that would not be sufficient reason to change or condemn the present system.

The Hon. D. H. L. Banfield: There have been claims that none of this sort of thing has been going on.

The Hon. R. C. DeGARIS: I still claim that that is so.

The Hon. D. H. L. Banfield: Despite the fact—

The Hon. R. C. DeGARIS: If the Hon. Mr. Banfield will contain himself a little longer, I will explain exactly what I mean.

The Hon. D. H. L. Banfield: You are always saying that, but you never come back to it.

The Hon. R. C. DeGARIS: As usual, the Hon. Mr. Banfield is leading with his chin.

The Hon. D. H. L. Banfield: And, as usual, the Leader does not come back to it. He just fobs me off and does not come back to it.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Let me examine the Hon. Mr. Banfield's claim. In the press, the Attorney-General referred to certain matters where he claimed malpractice was involved. I have looked at the first three of them. One was a letter sent to the Law Society in reply to an article in the *Advertiser* of August 24, 1972. The second was where a contract was altered and the broker tried to bluff a purchaser into proceeding. The third was where a broker placed money on mortgage whilst not having instructions to do so. One would have to speak to the people involved and obtain both sides of the story to be sure whether the things in those letters were correct. I would be amazed if the facts, supposedly as given by the Attorney-General, were absolutely correct. Let me deal with one other example, to show honourable members what I mean.

The Hon. T. M. Casey: You know what the Chief Justice said?

The Hon. R. C. DeGARIS: Yes; I have it here. In one case quoted by the Attorney-General (the case of *Jennings v. Zilahi-Kiss, Zilahi-Kiss and M. K. Tremaine and Company Proprietary Limited)* the judgment is long and any honourable member can read it, but I will quote only part of it. The Chief Justice said:

> I have found a contract: it remains, however, to find a breach. I have not been able to find that Coombe possessed before settlement any specific knowledge of the facts relating to the status of the units and the stoves which were known to the female defendant. Ought he to have found them out? Would a solicitor acting on behalf of the plaintiff with reasonable skill and competence have found them out? That is the test which, in my view, has to be applied. A professional man is only liable for the use of ordinary care and skill. He is not bound to guarantee against all mistakes or omissions or to be gifted with powers of divination or to exercise extraordinary foresight, learning or vigilance.

I now come to the part that the Hon. Mr. Banfield will be pleased to hear:

> I regard this as one of the most difficult parts of the case but on the whole I do not think that I can find negligence here. I do not think that I can find that a reasonably competent solicitor, knowing what I have found that Coombe knew and no more, would have found out about the building permit, the lodging house licence or the precarious state of the stoves.

Here is a part of the judgment that was never made public.

The Hon. D. H. L. Banfield: The trouble is that you are not going to make public the rest of the judgment, either.

The Hon. R. C. DeGARIS: There are 45 pages and, if the Hon. Mr. Banfield would like me to read it all, I am willing to do so. My point is that it is easy to make allegations by giving one side of the story but, before we can judge a matter, we must know the other side, which has not been given. Secondly, we must know the amount of malpractice that goes on in other States, where our system is not used. That is our only test. If one reads Dr. Wilson's report,

one sees that the position in South Australia is envied by the other States. The few cases cited by the Attorney-General in the press are, on examination, no evidence of malpractice or that the same thing would not have occurred if another system had operated. In many of these cases cited by the Attorney-General, the land broker would only have been acting out the conditions of the contract and probably would not have known whether the vendor and purchaser or the land agent had made the sale, and no blame for that could be fairly placed on the land broker without a thorough examination of all the facts.

In other States, where there are no land brokers as such, agents have told me they are constantly being pressurized (that may not be the word) or approached by solicitors to do all their conveyancing work for them, on the understanding that they would refund to the agent a certain percentage of their fees for getting the business from them. Is that reasonable? Do we want that position to develop here? By comparison, where a broker is employed by an agent, there is possibly less reason for malpractice than where broker and solicitor are separated from the land agent.

Although there are many other matters in the Bill that I could discuss, I will leave them to other honourable members, who will deal with various parts of the Bill, which is a Committee Bill. The only other matter on which I want to touch should be considered seriously. That is contained in Part X, which deals with contracts for the sale of land or a business and in which a cooling-off period of 48 hours is provided. Although the Council has on one or two occasions passed legislation allowing a cooling-off period in relation to a specific set of circumstances, such as door-to-door sales, in which a highly-skilled pressure salesman signs up a person at the door, the principle of allowing a cooling-off period in respect of a signed contract is one that honourable members should examine thoroughly. I think concern was expressed by honourable members when the door-to-door sales legislation was before this Council that it might not in the long run be in the best interests of people that a contract could be negated after a cooling-off period. In that legislation there was some case for a cooling-off period, but in this legislation we are dealing with an entirely different situation.

First, if a person wants an option on a property, there is no reason why, if the vendor is willing, he should not take the option for a certain period. If there is to be a cooling-off period some payment should be made to the vendor for that right, because the vendor is not given any cooling-off period. From my experience and that of my family over many years in the stock and station agency business, I know that the vendor, who is under great pressure to sell, should have a right to a cooling-off period if one is to be given to the purchaser. If the purchaser requires a cooling-off period, he can get an option if the vendor agrees to it, and he must pay for the option. A smart operator will now be able to sign a contract for a property and have two days in which to try to find a better price. There is no shadow of doubt that that will happen.

Some people in the property-dealing section of our community will, I am sure, use this cooling-off period for this very purpose. For certain contracts there is no cooling-off period: where the purchaser is a body corporate, an agent, a registered manager, a registered salesman, a licensed land broker or a legal practitioner, where the purchaser has, before executing the contract, sought and received independent legal advice or where the sale is by auction. No doubt all honourable members who have been to auction sales know the excitement and pressure that can be created in many circumstances. As soon as the property is knocked down, the contract is binding. Can any honourable member who knows what an auction sale is like tell me that there is not as much pressure at an auction sale as there is at a private sale? At a highly organized auction sale the pressure is greater on the purchaser than it is at a normal private sale.

The Hon. T. M. Casey: Can you give me some illustrations of how it would be greater?

The Hon. R. C. DeGARIS: I can give the Minister any number.

The Hon. T. M. Casey: Tell me.

The Hon. R. C. DeGARIS: I think I have already dealt with that matter. It is a highly skilled psychological exercise at an auction sale.

The Hon. T. M. Casey: I've been to them and I cannot say that any pressure is exercised.

The Hon. C. M. Hill: What about a buyer whose bids are run up by a false bidder?

The Hon. R. C. DeGARIS: Having been involved in the stock and station agent business for a long time, I can tell the Minister that much pressure can be exerted at an auction sale, whereas at a private sale I think it is probably less. I come back to my major

point, namely, that in this cooling-off period we are giving the purchaser an advantage for which he has not paid, whereas the vendor has no such advantage. Just as many mistakes are made by a vendor as are made by a purchaser, yet the former has no right to rescind the contract. The purchaser will have a 48-hour cooling-off period, during which the vendor will not know whether the property will be sold. Also, in that period he cannot find another purchaser. Honourable members should study this principle carefully and not produce legislation that will encourage malpractice more so than does the present situation.

The Hon. T. M. Casey: What about the case where the vendor puts a price on his goods that is not realized at auction and the land agent tries to obtain that price for him? He may wait two days for the price he wants.

The Hon. R. C. DeGARIS: Certainly, but no contract has been made in that case. What I have been talking about is where a contract is made and signed; yet one party to the contract has a cooling-off period of 48 hours, whereas the other party is bound. I cannot subscribe to that being a fair situation. Although some buyers may be pressurized into signing a contract, what about a seller who is pressurized into signing a contract? I have often seen sellers pressurized into signing contracts who have received higher offers a few hours later, yet in this case we are giving the total advantage to the purchaser of a property.

I consider those to be the two major points in the Bill, although there are many other facets on which I could comment. However, it is largely a Committee Bill. I support the second reading and ask honourable members to study the two points I have raised, namely, those in relation to land brokers and the cooling-off period.

The Hon. C. M. HILL secured the adjournment of the debate.

SWIMMING POOLS (SAFETY) BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2472.)

The Hon. V. G. SPRINGETT (Southern): Private swimming pools are growing in popularity and in number with the passing of the years. I suppose they are a sign of the times: they are one of the modern status symbols. The bigger, better and more expensive the pool, the easier it is to keep up with or even surpass the Joneses. Because of the tendency for private swimming pools to be status symbols, there is a need for such pools to be in places where they are obvious to people who pass by. If the neighbours cannot see the pool, it does not achieve its object as a status symbol. Of course, pools can be beneficial, particularly in areas far removed from beaches and rivers. Often, the provision of swimming pools is rather like carrying coals to Newcastle: a house may be on the beach front, yet at the side of that house there is a swimming pool. Now, we have to protect people from the hazards of private swimming pools. Where will this protection end? In the circumstances I have mentioned, do we provide protection for the whole shore line? If one is to protect people from the folly of other people's actions, one needs to go a long way, particularly when dealing with water.

The Hon. M. B. Cameron: Are you advocating the fencing of beaches?

The Hon. V. G. SPRINGETT: That would involve 200,000 miles of fencing around Australia. I pay a tribute to those people who make it unnecessary for us to fence the shore line—the surf life savers. Those men do a wonderful job. In the North of the State, where there is not so much water available, there is a good case for some private swimming pools. However, we must not lose sight of a very important point: if we are to have swimming pools, we must have clean, non-pathogenic water. Let us not forget that tragedies have occurred in some northern towns as a result of the existence of amoebic meningitis; this is still being referred to as a risk for the coming summer. As the Minister has said, it is not intended to place unnecessary burdens on the owners of private swimming pools; rather, the purpose is to reduce as far as possible the appalling tragedies that occur in unenclosed pools. Emphasis must be placed on the role of the parents: they surely have the first and major responsibility for safeguarding their children. Within the home and around the home are probably the most dangerous places for people of all ages, particularly small children.

Parents have to be on their guard all the time to protect children from the risks they run day by day. I am often amazed when I see a mother with a pusher containing a little child, while a toddler skips ahead; I do not mean to criticize the mother's standard of parenthood in what I am about to say. The mother may stop to talk to a friend, and the little one may suddenly disappear; if there is an unenclosed swimming pool nearby, the

risk to the toddler is enormous. So, anything we can do to increase the safety of private swimming pools, without adding undue burdens to the people concerned, is justified. We have a right to expect responsible adults to recognize the purpose of the Bill and the reason for our concern. The Bill provides that there shall be a 4ft. fence around a swimming pool, but I believe that that height will be effective only if the fence is completely unscalable—that is, with no footholds and no handholds. An active child could easily climb over a 4ft. fence. Clause 3 provides:

> "Owner" in relation to a swimming pool includes the owner or occupier of the land on which the swimming pool is situated.

That is a pretty extensive definition. Equally, the definition of "swimming pool" is extensive; it is as follows:

> "Swimming pool" includes any excavation or structure capable of being filled with water and used for the purposes of swimming and also includes any excavation or structure capable of being used as a paddling pool.

Of course, this includes swimming pools that have been dug out of the ground and pools that stand above the surface of the ground and are reached by a step ladder. Since paddling is mentioned, I wonder whether excavations that are made in connection with road repairs are included; such excavations are often left overnight and children can get into them or fall into them. Does the definition cover such excavations?

The Hon. R. A. Geddes: Do you think it covers the Murray River?

The Hon. V. G. SPRINGETT: I think we can accept the Murray River as a swimming pool of mighty proportions. Clause 4 provides:

> This Act does not apply to or in relation to—
>
> *(a)* any swimming pool to which the public are generally admitted whether on payment of money or otherwise.

Does that provision mean that one cannot drown if one pays a fee? It is rather strange that swimming pools to which many people have access should be excluded from the provisions of the Bill. I hope the Minister will explain why that is so. In the last few years in Murray Bridge there has been a fatality in the municipal swimming pool and there has also been a fatality in the river. So, I believe that protection is important in connection with public swimming pools.

The Hon. M. B. Cameron: Does the Murray Bridge swimming pool have a fence?

The Hon. V. G. SPRINGETT: It has a cyclone fence.

The Hon. M. B. Cameron: Would it comply with the legislation?

The Hon. V. G. SPRINGETT: No; it has footholds. Clause 4 provides:

> This Act does not apply to or in relation to . . .
>
> *(b)* any swimming pool, the water surface of which does not exceed five square metres in area.

I can conjure up wonderful thoughts of a five-year-old boy in such a pool. It seems to me that there is plenty of room there for him to come to harm. Another exemption is as follows:

> *(c)* Any swimming pool so constructed that it cannot be built to a depth of greater than .3 metres.

I can well imagine a small child (and this has happened) falling into such a pool and banging his head. One does not need 12in. of water to drown; one needs only 3in. or 4in. If one is to have a pool of some sort, surely one must look into these exemptions and wonder whether or not they are satisfactory.

The Hon. M. B. Cameron: Do you think there can be satisfactory exemptions? It is almost an impossible situation, isn't it?

The Hon. V. G. SPRINGETT: I can think of one or two, yes—where there is a full-time attendant, something of that nature, with appropriate first-aid and lifesaving certificates. I was thinking of public pools, and a small pool of 5 m^2 can be covered very easily with a close-fitting cover. Clause 5 lists the Minister's powers of exemption and refers to exemptions which may be given for pools rendered safe by other methods. Clause 6 is the key clause, and sets out the requirements for enclosing the pool. It also provides that if these measures are not complied with a maximum fine of $200 can be imposed. If the standards still are not complied with a daily fine of $10 is provided while the breach of the law continues.

The requirements are that the enclosure shall be not less than 1.2 m in height, and that the barrier can be a fence, a hedge, a wall or a building. No footholds or handholds are allowed. I can understand a fence being smooth and free of footholds, but I doubt whether a hedge can be safe. Some hedges could be very thick and dense to the ground, but it is not difficult to imagine hedges (and I can think of one in particular) with gaps in the bottom through which a child could easily find his way. I would say a hedge

is a very dangerous safety measure, if I may put it that way.

The Hon. M. B. Cameron: There would be few hedges young boys could not find a way through.

The Hon. V. G. SPRINGETT: I agree. A wall, of course, is very effective, but I can imagine few pool owners putting a 4ft. brick wall around a private pool. If the pool is right up against a building then it is adequately protected.

The Hon. M. B. Cameron: Provided that they cannot climb on the roof.

The Hon. V. G. SPRINGETT: I quite agree. If a hedge is to be used it must be carefully supervised. Perhaps the Minister will say in reply whether he is satisfied that a hedge gives adequate protection. Clause 6 (4) gives what I consider is the ideal circumstance for the general public, for not only is the pool enclosed but the whole property, including all associated structures, is enclosed. It is most important that there shall be provision of self-locking mechanisms which are childproof, although I do not know where one could obtain childproof self-locking mechanisms.

The Hon. M. B. Cameron: Does it state the age of the child?

The Hon. V. G. SPRINGETT: Up to five years of age. Some precocious children of that age are quite good at unlocking locks, but the majority are under control if the locks are childproof. Clause 7 repeals section 346a of the Local Government Act, which gave local government authorities the right to make loans for the purpose of enclosing pools. Apparently that has not proved satisfactory. Perhaps the Minister will tell us why that has been so. Clause 8 provides that proceedings in respect of offences under this Act shall be disposed of summarily. I accept the reason for the Bill. Any measure which makes less likely the loss of child life has a part to play in society, but I consider that none of us can safeguard children all the time from the folly of their own or their parents' actions, and I think the emphasis always must be on what parents should be doing to safeguard their own children, first and foremost, and what we can do afterwards comes a very poor second. I support the Bill.

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

RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2472.)

The Hon. C. M. HILL (Central No. 2): This could hardly be termed a nation-rocking measure. Back in 1934, an Act was proclaimed, known as the River Torrens (Prohibition of Excavations) Act, 1927-1934, which prohibited a person excavating or digging a hole on either side of the Torrens River bank between Taylor Bridge and Breakout Creek, in the western suburbs, for a distance of 50ft. back on either side of the outer bank of the river. The Bill before us simply alters 50ft. to a measurement being that of the nearest metre, which is 15 m. The only other alteration the Bill makes relates to the penalty fixed in the parent Act at £50, and that has been converted to the equivalent, namely, $100. I support the Bill.

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

ADJOURNMENT

At 4.50 p.m. the Council adjourned until Wednesday, November 1, at 2.15 p.m.