LEGISLATIVE COUNCIL

Tuesday, August 28, 1973

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

QUESTIONS

TOTALIZATOR AGENCY BOARD

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

Leave granted.

The Hon R. C. DeGARIS: Recently, owing to a miscalculation, a totalizator investor was paid a sum of over $17,000 on what is known as a fourtrella investment. It was later discovered that the dividend should not have been $17,000-odd but indeed that there were two winning tickets and the dividend should have been $8,500-odd to each investor. A cheque for over $17,000 had already been paid to one investor, that amount being the correct dividend to be paid in total to the two investors. Will the Chief Secretary ascertain for me whether this is the first time that a wrong dividend has been declared by the Totalizator Agency Board and, secondly, whether at any time a smaller dividend has been declared than should have been declared and, if so, what has happened to the moneys not correctly disbursed?

The Hon A. F. KNEEBONE: I cannot answer the honourable member's question completely on whether a wrong dividend has previously been declared, and I cannot answer him on the Totalizator Agency Board's policy in regard to any payments of smaller dividends, but I will get a report from the board and bring down for the honourable member a reply when it is available.

MISSING CHILDREN

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: I ask this question in view of the continuing failure of the police to find the person responsible for the abduction of two small girls from the Adelaide Oval last Saturday. There is widespread public concern for the safety of the girls; I hasten to add that I have nothing but praise for the exhaustive work of the South Australian Police Force in this matter, but it is clear that the only consideration must be not vengeance against the man or woman responsible for the abduction but the safe return of those two children. Having accepted this fact, does the Chief Secretary have the power to offer this person a conditional pardon, the condition being that he or she undergo psychiatric treatment and, if necessary, be committed to a medical institution and also be required to abide by the parole requirements for a period directed by a responsible psychiatrist? This, of course, is only if the two children are returned alive. If the Government has power to grant a pardon on that condition, will the Chief Secretary take the matter up with Cabinet as soon as possible?

The Hon. A. F. KNEEBONE: We all desire that the children be returned unharmed, and every effort is being made to that end. On the matter of an appeal to the person concerned I can say that the police have made an appeal suggesting, that, if the children are being held and have not been harmed and if the person releases them and he or she seeks psychiatric treatment, that person will receive it. I believe that that is almost a complete answer to the honourable member's question. However, I will take his suggestion to Cabinet and have a look at it. I am sure that everything possible is being done and I hope that, as a result, the children will be found alive and returned to their parents.

TAXATION CONCESSIONS

The Hon. G. J. GILFILLAN: I ask leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. G. J. GILFILLAN: Many statements have been made through the media on the possible taxation measures that may follow the recent Commonwealth Budget. There has also been confusion and concern about statements attributed to various Commonwealth Ministers, particularly the statement attributed to the Prime Minister, about the possible cessation of taxation concessions in connection with donations to charities. Many charities in this State do wonderful work and, if they could not function, a great burden would fall on the State Government when it tried to cope with the problems that would be created. The very real concern that I have referred to is experienced by institutions not only in this State but also in other States. If the taxation concessions are taken away from donors to these institutions, the income of the institutions could be seriously affected. Will the Chief Secretary and the Government take up this matter with the Commonwealth Government and seek an assurance that will put the minds of these people at rest?

The Hon. A. F. KNEEBONE: I have not studied closely those aspects of the Commonwealth Budget.

The Hon. G. J. Gilfillan: This matter does not relate directly to the recent Budget.

The Hon. A. F. KNEEBONE: It is, unfortunately, a fact that some people do not assist charities unless they believe they can get taxation concessions; I do not say that everyone falls into this category, but quite a large number of people contribute to charities only because they can get a taxation concession. It is a pretty poor situation, and I sympathize with the charities concerned. If those charities do not receive public support, they will seek further Government support. For this reason I think I can speak on behalf of the Government and say that, if the question of removing these taxation concessions becomes a serious threat, we will approach the Commonwealth Government on the matter.

BUSH FIRES

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

Leave granted.

The Hon. M. B. DAWKINS: I am asking my question of the Chief Secretary as Leader of the Government in this Council and as acting Minister of Transport; it might be thought that the question should be directed to the Minister of Agriculture, but I believe the matter is sufficiently important to be brought to the attention of the Government as a whole. My question refers to the buoyant seasonal conditions that we are now experiencing; those conditions were reinforced over the weekend. As a result, there has been a luxuriant growth of green fodder, which we are seeing adjacent to railway lines and roads. I am sure every honourable member would be concerned at the fire hazard which is likely to occur during the summer months. Is the Government contemplating any additional arrangements or ways to combat the fire hazard in the coming season?

The Hon. A. F. KNEEBONE: It is an unfortunate fact that, when we have a bumper season, we must always face up to the greater danger of fire hazard and resultant bushfire protection. I am sure my colleague the Minister of Agriculture, who administers bushfire protection at the moment, would bring the matter to Cabinet if he thought there was need for greater effort on the part of the Government in combating this great problem. If he brought it to Cabinet it would, of course, receive the support of Cabinet.

WORKERS' COMPLAINTS

The Hon. JESSIE COOPER: I ask leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. JESSIE COOPER: On August 14 I asked a question of the Minister, representing the Minister of Labour and Industry, concerning a report published in the *Advertiser* about a job "complaints" service, and the South Australian Committee of Discrimination in Employment and Occupation. On August 22 I received a reply from the Minister, and I thank him for it, but it did not fully answer my question. I had asked whether this statement as published emanated from the Minister's department. I now again ask that part of the question: did this published report in fact emanate from his department, or did it not?

The Hon. D. H. L. BANFIELD: I shall be happy to follow up this question and bring down a reply as soon as possible.

PACKAGING

The Hon. B. A. CHATTERTON: Has the Minister of Agriculture a reply to the question I asked on August 21 concerning packaging?

The Hon. T. M. CASEY: The packaging of poisonous substances, including poisons used in agriculture, is subject to requirements of the Food and Drugs Act, administered by the Public Health Department, and requirements as to containers are not laid down in the Agricultural Chemicals Act. If the honourable member supplies details of the chemicals and package sizes to my colleague, the Minister of Health, I am sure the Minister will be happy to have the matter investigated by his department.

PROTECTED BIRDS

The Hon. C. M. HILL: I address my question to the Minister of Health, representing the Minister of Environment and Conservation. I am not being facetious in any way in asking this question. Have any permits been issued during the past two years for the destruction or trapping of protected birds, including rare species; if so, for how many birds; and what kinds of bird have been involved?

The Hon. D. H. L. BANFIELD: I shall seek the information from my colleague and bring down a reply as soon as possible.

HOSPITAL PATIENTS

The Hon. R. A. GEDDES: I direct my question to the Minister of Health and ask leave to make a short statement prior to asking the question.

Leave granted.

The Hon. R. A. GEDDES: Recently a comment by a member of the staff of one of Adelaide's principal public hospitals left me with the impression that many patients are not members of hospital benefit funds. I saw the Minister privately last week and asked whether he could supply information as to how many people are members of hospital benefit funds and how many are not. Has the Minister a reply to my question?

The Hon. D. H. L. BANFIELD: When the honourable member mentioned this matter last week I said I would get the information for him. The figures for country subsidized hospitals show that 83.6 per cent of patients are insured and 12 per cent are pensioners. The averages for country Government hospitals are 52.7 per cent and 39.8 per cent. The averages for metropolitan Government hospitals are 46.6 per cent and 41.6 per cent. The averages for metropolitan public hospitals (excluding Government hospitals) are 82.2 per cent and 8.3 per cent. The averages for all public hospitals are 64 per cent and 27.5 per cent.

CAVES VALLEY DRAINS

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to my question of August 7 concerning the Caves Valley drains?

The Hon. A. F. KNEEBONE: An estimate of the cost of removing spoil banks has been received from the Corporation of Naracoorte and the South-Eastern Drainage Board has provided estimated costs for the other works requested by the corporation. These costs are now being studied and I will reply to the corporation shortly.

TEACHERS' OVERPAYMENTS

The Hon. C. M. HILL: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of August 15 about overpayments to certain teachers?

The Hon. T. M. CASEY: True, 54 secondary teachers were recently overpaid to the extent of $156.44 each less a tax adjustment of $40. The overpayment was made on July 12. Immediately the error was detected each teacher was notified in writing and given the opportunity to agree to recovery at the rate of $10 a pay commencing on September 20 or to negotiate alternative arrangements. Some teachers have already forwarded cheques in full settlement. The error was a clerical one. More than 1,000 teachers, including the 54 teachers overpaid, received diploma and degree allowances in June, 1973. The 54 teachers overpaid were in their first year of teaching after completing college of advanced education courses and were diploma qualified. The salaries clerk was advised of this group by an appointment notice system, and the salary on the appointment notice included the diploma allowance. Unfortunately, the paying officer paid the 54 teachers the diploma allowance in accordance with the appointment notice and also in accordance with a diploma list, and this resulted in a double payment of the diploma allowance. Steps have been taken to ensure that such an error does not occur again.

BARLEY BOARD

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my question of July 24 regarding the Australian Barley Board?

The Hon. T. M. CASEY: I have examined the barley marketing situation in relation to the composition of the Australian Barley Board and I have reached the conclusion that all sectors of the industry are adequately represented on the board as now constituted. I point out that, although over half of South Australian barley is usually classed as feed, most of this is exported for stock or human food. The amount of South Australian barley sold by the board to local feed merchants or feed users is well under half that which goes to maltsters in South Australia and Victoria.

Efforts have been made in the past to increase the volume of the board's local feed trade but over-the-border trading has nullified these. The board naturally wants to maximize returns to the barleygrower but is still of the view that some concession should be given to assist local livestock producers. I am assured that there will continue to be close liaison between the barley users and the board to ensure that negotiations can be conducted at first hand at all times. If the stock feed interests were to be directly represented on the board, it is more than likely that the stock feed manufacturers and other organizations would also seek nominees, and all the additional members might well make the board unwieldy. I am convinced that direct liaison by the board with the persons concerned will overcome the potential problems posed by the stock feed users.

CAN RECYCLING

The Hon. B. A. CHATTERTON: I seek leave to make a brief statement prior to asking a question of the Minister of Health, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. B. A. CHATTERTON: Like most honourable members, I received in the mail this morning some material from Comalco Industries Proprietary Limited pointing out that company's success in recycling cans. Will the Minister of Health ascertain from his colleague the number of cans that have not been collected in South Australia, as this information is not easily deduced from the figures that have been supplied by the company?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply as soon as possible.

PUBLIC WORKS COMMITTEE REPORTS

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

Berri Irrigation Area (Rehabilitation of Pumping and Distribution Systems),

Cobdogla Irrigation Area (Rehabilitation of Pumping and Distribution Systems),

Moorook Irrigation Area (Rehabilitation of Pumping and Distribution System),

Waikerie Irrigation Area (Rehabilitation of Pumping and Distribution Systems).

FAIR PRICES ACT REPEAL BILL

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

UNEMPLOYMENT RELIEF COUNCIL ACT REPEAL BILL

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

ART GALLERY ACT AMENDMENT BILL

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

PUBLIC PURPOSES LOAN BILL

Adjourned debate on second reading.

(Continued from August 23. Page 482.)

The Hon. C. M. HILL (Central No. 2): I support the Bill and wish to comment on some of its features and also to discuss some of the matters that were raised by the Minister when he explained the Bill. However, before I deal with specific items I shall mention one or two principles that were highlighted in the preparatory sections of the Minister's second reading speech. Those principles deal with the general question that is being discussed by the public today: there is a current trend by many people tending to favour more legislative power being given to or taken by the Australian Government which, in many respects, is a dangerous trend.

When one looks at the question from the viewpoint of the smaller States (States that are small in population) one finds there is even a belief that if greater power is transferred to Canberra a reduction or saving in expenditure by the State will follow that will give commensurate financial relief to the people within a small State. In the Minister's explanation the point is clearly made regarding the cost of tertiary education that the total Loan allocation the Commonwealth Government intends to give this State, irrespective of the housing allocation, is $121,012,000.

The Minister then said that the cost of tertiary education, which is to be taken over by the Commonwealth, was estimated at $3,800,000 and, therefore, the amount available to the State for the works programme, irrespective of housing, was $117,212,000. It has been apparent to many of us for a long time that, when transfers of this nature are effected, adjustments will be made in Loan allocations and in grants generally made to the States.

In the Bill before us we have a clear example of what really happens, so it is not of much benefit at all financially for the people of this State when transfers of this kind are agreed upon. It surprises me to hear people talking about the savings that will occur if transfers of power are arranged; it does not happen. I stress that this clearcut example of what really happens is in the explanation to the Bill before us. In other words, it is not of any financial advantage at all: someone has to pay for the works programme, and it does not matter whether it comes from the State funds or directly from Commonwealth funds.

The Commonwealth Government certainly takes it into account and makes its adjustment to the States accordingly. In the same vein, there are many people who carry this line of thought through to the extreme of favouring a completely different form of national Parliament, a form of unitary or completely centralized government.

When that occurs in any country, the trend seems to be that the bulk of the expenditure on public works occurs in the areas where the population is the greatest. If such a radical change of thought ever came about in Australia, that would be the trend in regard to public expenditure, and the sparsely populated States (or regions, as they might then be called) would suffer considerably more than they do at present. In fact, if one analyses the allocations that have been made to South Australia from the figures that the Chief Secretary has presented to us and one does not make that adjustment to which I referred in respect of tertiary education moneys, one finds that, of the total amount allocated for State works, services and housing throughout the whole of Australia for this financial year, South Australia with a population of just under 10 per cent of the whole country is receiving a fraction more than 14 per cent of the whole.

I make that point to highlight the fact that, whilst the States are organized as they are with their present negotiating powers, the States with the smaller numbers of people obtain a reasonably fair deal under the federal system. Whether the total amount of money allocated by the national Parliament is sufficient for the aggregate number of States is another matter altogether but, if we can hold to our federal system as we have it in Australia, history has

already proved that that is at least a safeguard that the nation will be developed over its whole length and breadth and that people in regions where the population is nowhere near as great as it is in other parts of the country will obtain a reasonably fair deal when the cake is cut up and allocations have to be made to the various regions of the nation.

The first item I mention of the various lines that the Chief Secretary has described is housing finance. The Commonwealth Government has changed its policy on this occasion and is adopting a policy of finance being available, in the main, for welfare housing. This approach has much to commend it, but there are some aspects of it that must be viewed with much caution because it is not only the people with limited or moderate incomes who need assistance with housing finance coming from the Commonwealth or Australian Government and finishing up by being allocated through such institutions as the State Bank here in South Australia: I am always particularly concerned that young married people receive a fair and reasonable allocation of housing finance.

I believe the other people to whom I referred should be treated fairly as well, but it seems that the Commonwealth Government intends to lay down (I do not think they are yet known exactly to the States) some guidelines. I quote the Chief Secretary—"A defined means test on income is going to be applied".

I hope that, when this test on income is known in more detail, young married couples whose present income falls into the low or moderate income group but whose income, with the passing of the years, will move out of that category (and these loans are often made for 30 or 40 years) will not be excluded from obtaining benefit from this housing finance, where the amounts of money involved are considerable.

We are talking, for example, of amounts in excess of $17,000,000 which will be made over to the State Bank and which have this tag attached to them: in other words, the Australian Government is saying, "This money must go to people who fall within this means test", and much of the money going to the Housing Trust from the Commonwealth Government (this year totalling $15,500,000) will have this restriction placed on it, too. Therefore, I hope that the State Government will make every endeavour in negotiations with the Australian Government to ensure that people who have not been married very long and who should be given every opportunity of owning their own houses have a chance of getting a reasonable share of this housing money that is being allocated this year.

The second point I make concerns Railways Department allocations. The Chief Secretary has said that this year $9,900,000 will be allocated for the Railways Department and, of that sum, $2,908,000 will be allocated for the Brighton to Port Stanvac and Christie Downs extension. I dwell upon this announcement of this extension of that line and also the announcement that indicated that there would be a considerable upgrading of the service provided by that part of the system.

Honourable members may recall that double-decker passenger carriages were mentioned and also the electrification of the line and other improvements, too, to make that line a first-class service. I personally am pleased to see that, because the extension of the passenger railway track and service to Christie Downs was part of the Metropolitan Adelaide Transportation Study Report. It was part of the $3,800,000 laid down in the report as the cost of extending railway lines and it was part of the public transport programme of $107,450,000 which was set down for public transport improvement in that report.

So it is pleasing to see that aspect of the report coming to fruition. However, I point out that one of our four metropolitan railway lines being upgraded in this way, beneficial though it will be to some people, is nowhere near the answer to the question of what is really happening about the implementation of a comprehensive metropolitan transportation system and nowhere near the answer to the question, why are we not proceeding to upgrade the existing metropolitan rail system on its four tracks with a common underground link along King William Street? That is the plan, I suggest, that the people of this State are waiting to hear more about.

The decision to proceed with one line, in effect in isolation, by no means goes far enough. Developing only one line, that from the Adelaide railway station to Christie Downs, and concentrating on making it a modern service present the serious problem that passengers can still be brought only as far as the Adelaide railway station. People will not want to use public transport unless it delivers them relatively near their ultimate destinations. Many parts of the city of Adelaide are so far from the Adelaide railway station that people will not use the rail service provided, no matter how modern that service is.

I wish to refer to the original plan for bringing one or two railway tracks through the Adelaide railway station, diverting them underground so that they pass under King William Street, and coming out near the south park lands, where they will then be linked to the two railway tracks to the south of Adelaide. Tn the last few years some tragic decisions have been made that will either prevent the plan coming to fruition or at least cause it to be modified considerably.

One such decision was that of the Labor Government in 1971 or late 1970 to dispense with the plan to build in rubber padding when the festival theatre was built so that noise from a future underground rail system passing just north of Parliament House and curving under King William Street would not affect the theatre patrons. That part of the plan for the theatre was agreed to and, indeed, the Adelaide City Council purchased some of the rubber material. The material was about to be installed when the Government decided that that part of the plan would not be proceeded with.

On March 11, 1971, in reply to a question, the then Chief Secretary told me that the plan had been discarded, that the Adelaide City Council was endeavouring to dispose of the material at the best available commercial figure to avoid a loss, and that, if the underground railway was proceeded with in the future, isolation of noise could be incorporated in that project. The decision to dispense with rubber padding in the festival theatre was only one of the poor decisions that were made in respect of future planning for the underground railway. Another decision came to light in the publication *Keeping Track,* issued by the authority of the South Australian Railways Commissioner. The edition of last May states:

> The work on the road access has meant that the rail subway under King William Street, as proposed in the M.A.T.S. plan, is no longer possible on its proposed alignment in that area. The underground envelope that would have taken the tracks from the Adelaide yard and curved into King William Road clear of Parliament House has been pierced by scores of piles for the construction work.

Those piles, I take it, were involved in the concrete work in connection with the new road running to the rear of the Adelaide railway station and also in connection with

the plaza development immediately south of the festival theatre.

The fact that the two decisions I have referred to were made with the Government's knowledge indicates just how little interest is taken in this area of public transport and what tragic results they may ultimately have. One realizes how serious the matter is when one considers such decisions and when one sees less and less opportunity for a modern rail rapid transport system which must include linking the northern metropolitan passenger lines with the southern metropolitan passenger lines; that project is passing further and further into the distant future.

The fact that I have been making this point for years but have had great difficulty in getting any explanation further highlights the problem. Surely Parliament should expect a reasonable explanation as to why the Government is not proceeding with this phase of a comprehensive transport system. The only reason I have been given in this connection relates to the question of finance but, if it is only a question of finance, why was it that Victoria went on with planning and construction work for an underground railway in Melbourne? If it was only a question of finance, why was the eastern suburbs underground railway continued in Sydney? And, further, why was the Perth Regional Railway Bill, providing for the construction of an underground railway link through the centre of Perth, passed by the Western Australian Parliament in 1972?

Those are the kinds of decision that the people of Adelaide want to see, so that we can make progress towards getting a comprehensive transport system started for the people of metropolitan Adelaide. However, the Government steadfastly refuses to accept the challenge and make worthwhile pronouncements about the matter; instead, it concentrates on providing money for research. Last year the Government allocated $500,000 to transport research but spent only $130,953. The biggest decision it made related to the allocation of funds but, having made that decision, the Government could not spend all the funds. One wonders what its programme is, even in regard to research.

Recently, when some of the results of research were put into practice, there were devasting results which brought ridicule on the Government and the Minister of Transport; I am referring to the dial-a-bus fiasco. The Government is now asking Parliament for another allocation of $500,000 for transport research, but very little detail is given of how the Government intends to spend that money; I do not believe it is unreasonable to ask for some details in that connection.

The Hon. R. C. DeGaris: Do you believe that the dial-a-bus project was a fiasco?

The Hon. C. M. HILL: Yes. On Sunday on the Main North Road I passed two buses that were used in the project; they were in a sale yard. I should like to know the full cost of the dial-a-bus project. It is clear that the Government is doing its best to avoid stating the exact cost of the project. We saw in the press that Pak-Poy and Associates were paid $27,000 for a report on the feasibility of a dial-a-bus system. We have heard, too, that the report clearly said it would fail, but that is another point; I am speaking on the question of finance. A figure of $25,400 was given in the press as the expenditure on transport research over the past two years, and I have read that the Government has claimed that payments due to Mr. Wood totalled about $3,000 or $4,000, although Mr. Wood, according to the paper, said he thought the figure would be about $7,000.

Now I am hearing disturbing rumours that some of the driver-operators, apart from Mr. Wood, are facing serious losses as individual operators in this general project. I ask whether the Government has completed its negotiations for compensation to Mr. Wood and all other operators in regard to dial-a-bus. If it has, and if agreement has been reached between the Government and all the people involved in the private sector, what has been the full amount of compensation and what has been spent in the research area for dial-a-bus? What has been the total amount paid to outside committees of inquiry into the feasibility of dial-a-bus? If we were to aggregate those totals the public would have a clear idea of the total loss to the State—and by that I mean to the people themselves. No doubt it will be a large sum.

Through the period in office of this Government and its concentration on transport research and its lack of decision in the practical situation of implementing what everyone knows is necessary, a rapid rail transit system as the main link in the chain of a comprehensive overall system, much money has been spent and, in my view, wasted, on research. About $9,000 was paid out for Dr. Breuning. There is this unknown figure for dial-a-bus and the balance of $130,000 spent last year: I would like more details of how that amount was spent.

We have had the Minister making trips overseas looking into future modes of transportation. Some money could be well spent on such trips; I do not want to be unfair about the matter. On the other hand, however, the second trip might have been delayed until final decisions and pronouncements had been made about a rapid rail transit system. Nevertheless, a second trip, which will take the oversea expenditure to about $8,000, has been embarked on and, I might add, embarked on while the House is sitting.

The Hon. R. C. DeGaris: Do you think it may be "dial-a-train" next?

The Hon. C. M. HILL: If it gets to that, we may finish up with dial-a-prayer. Everyone wants action and decision. It is no secret that negotiations are under way at the moment regarding the transfer of our rail system (or part of it) to the Commonwealth Government. The publication to which I referred earlier, *Keeping Track,* contains some official notice about this proposed transfer. In the June issue, it states:

On Tuesday and Wednesday, May 29 and 30 preliminary meetings were held in Adelaide to discuss the feasibility of the transfer of the South Australian Railways to the Australian Government. Three subcommittees were established to consider:

1. Management and organization.
2. Financial arrangements.
3. Conditions of employment.

Members of the committees were drawn from:

1. The Commonwealth Department of Transport.
2. The Commonwealth and State Treasury.
3. The Attorney-General's Department.
4. The Commonwealth Railways.
5. The South Australian Trades and Labor Council.
6. The South Australian Auditor-General's Department.
7. The South Australian Transport Control Board.
8. The South Australian Railways.

The various subcommittees aim to conclude their discussions on the feasibility of a transfer by the end of August or as soon after as is possible. Then, of course, must follow a great deal of further study and negotiation, but all railwaymen will appreciate the mammoth task facing these subcommittees and the main committee to which they will report.

That is quite an official pronouncement about the negotiations that have been commenced.

Returning to the point about the transfer of tertiary education, one is entitled to ask what financial benefit will

accrue to this State if part of our railway system is handed over to the Commonwealth. If there is no financial benefit, what are the advantages in considering this further step toward centralism? The financial problem of the railways generally cannot be denied. It was mentioned in great detail (as always happens) in the Auditor-General's Report.

The last report available, that for the year ended June 30, 1972, shows quite clearly that the losses are becoming astronomical. I can understand the Government's being interested in the proposal when it was made, apparently, by the Commonwealth Government, but there may be other means (especially when South Australia will not, in my view, gain financially) by which the State Government can tackle the question of losses and considerably improve the position. The loss in the year to which I have just referred, including interest and debt charges, was $19,477,475. One can expect, of course, that the losses will be greater for the year ended June 30, 1973, but that figure is not yet available.

Another aspect causing great concern is that if country lines are transferred the Government will give away the sector involving long haul freight; in my view, that is the only department of the railways that can be made profitable. Giving away the most profitable sector is, to put it mildly, absolutely ridiculous. It is those sectors which can be improved and made profitable that the Government, in the first instance, should consider retaining.

I am against any part of the South Australian Railways being transferred to the Commonwealth; it hastens the advent of centralism, to which I have referred. The problems of the railways can be tackled by this or any future State Government. The decisions that have to be made may be unpopular in some respects, but in the overall view and in the long term a Government gains respect by making strong decisions such as those necessary to check this growing and disturbing loss.

The working deficit must be reduced, and although I do not claim any credit for it I am delighted that I was a member of the Government which did tackle this problem, taking notice of what the Auditor-General has been saying year in and year out, and closing some uneconomic railway lines. In his report for the year ended June 30, 1972, the Auditor-General, when explaining the less in detail, said (and this appears in large print):

> The loss on all passenger services continued to increase, particularly in respect of country passengers where the average loss per journey reached $16.43. It appears that some of the trains carry very few passengers and the question of ceasing or curtailing certain of the services requires urgent attention.

That is the message that comes to Parliament in each year's Auditor-General's Report. I have noted some figures to justify how the working deficit of the railways was reduced in the financial years ending June 30, 1969, and in the year ending June 30, 1970. I place those figures on record. I am dealing only with the working deficit, not with interest or debt charges. Working deficits are calculated by taking the difference between the earnings and the working expenses of the railways.

For the year ended June 30, 1968, the expenditure was $34,818,418 and the earnings were $28,244,000, leaving a working deficit of $6,574,418. In the year ended June 30, 1969, the working expenses were $36,392,813 and the earnings were $30,522,000, leaving a working deficit of $5,870,813. The following year the deficit was reduced to $5,727,410. In the year ended June 30, 1971, the working deficit increased to $8,366,629. For the year ended June 30, 1972, the working deficit was $11,197,625.

The Hon. R. C. DeGaris: It had doubled.

The Hon. C. M. HILL: Yes, by the 1972 year. I have no doubt that the 1973 figure will show that the working deficit for the year ended June 30 last will be more than double that for the year ended June 30, 1970. Those reduced deficits were not achieved only by closing the lines but by adopting a businesslike approach in many areas. I was surprised at the time when I spoke to railwaymen in all fields of work, such as porters, guards, etc., who all seemed to me to agree with the principle that the only way to tackle the problems of railway expenditure was to treat the railways as a business proposition and with a businesslike approach.

I know the great problem regarding metropolitan passenger services, which will never pay, but will always have to be subsidized. On the other hand, they are socially necessary services. However, many country rail passenger services are not socially necessary, because road passenger services provide faster, more comfortable and cheaper services.

With the policy that no-one would be retrenched as a result of change (which policy was always practised during the years to which I have referred), a new approach can be made, and that is the way to tackle the problem of the railways. The correct way is not by means of the Government's policy of discussing the partial transfer of the system to the Commonwealth Government. The completion of the new line to Christies Beach loses some of its glamour when one considers the question of isolation within the total metropolitan system that is involved. As a definite policy on transportation is long awaited, I hope the day is not far distant when we shall hear something from the Government in this regard.

I read with interest something the Hon. Mr. Kneebone, on behalf of the Minister of Roads and Transport, said to me on November 24, 1970. He said:

> The Minister of Roads and Transport has informed me that the whole question of the underground railway was still under consideration. It was one of the matters that was not resolved when the previous Government was defeated. As the honourable member should know, this problem is not easy of solution; but as soon as the Government is able to, it will make a statement on the whole of Adelaide's future transportation, including the matter of the underground railway.

That was nearly three years ago, but the statement has not yet been made.

Summarizing the other railway plans to which I have referred, the Government should be most careful before it agrees to transfer any part of our railway system to the Commonwealth, because financial advantages will not, in my view, accrue to the State as a result. We will probably receive fewer grants and Loan allocations, in the same way as our Loan allocation has been reduced this year because of the Commonwealth Government's take-over of tertiary education. With a new approach to the whole question of our railways the very worrying deficit with which we are faced can be improved considerably.

The Minister's second reading explanation referred to some initial expenditure on a new building for the Motor Vehicles Department. I recall asking questions about this matter previously, but I have not had an opportunity to check back on this matter. One matter has worried me for years, when moves were afoot to build a new permanent home for the department. I remember when the department was in the old Exhibition Buildings, in North Terrace, whereas in more recent years it has occupied space in the Adelaide railway station building. What is particularly necessary in the development of a

new building for the department is ample on-site parking space.

I recall inspecting the development in Melbourne in my term of office in the previous Liberal and Country League Government. There appeared to me to be adequate on-site parking space in the Melbourne development. I cannot for the life of me see how on the western corner of Gawler Place and Wakefield Street, which is to be the site of the new building, there will be sufficient parking space for motorists who need to take their vehicles to the department to be registered and for other purposes.

The Hon. C. R. Story: They'll probably use dial-a-bus to get there.

The Hon. C. M. HILL: They must take their cars there, as in many cases there is the removal of the windscreen transfer, etc. In recent years we have seen the tremendous congestion at the Adelaide railway station building, and I remember the congestion at the front of the old Exhibition Buildings when the department was housed there. Surely, when work is about to commence as a result of the first Loan Estimates allocation, we can ensure that parking will not become a problem at the new building.

I know the arguments as to the need for the department to be close to the computer and to the Police Department. I acknowledge those arguments, but in my view, particularly on the south side of Wakefield Street between Pulteney Street and Victoria Square, there are large sites, and I hope that the Government is studying the question of adequate parking facilities in that area.

I briefly touch on two other matters; first, the allocation for public parks, which has been running at $300,000 for some years. Last year, only $230,000 of that sum was spent, and this year the Government has decided to allocate only $30,000. On the same principle, $1,500,000 has been allocated for "other urban drainage", as happened last year. However, last year only $452,163 was spent.

The allocation for public parks was made to councils for the development, on a $1 for $1 basis, of truly local parks, that is, small parks, getting down in some cases to the equivalent in area of a block of land. It was allocated for small, densely built-up suburbs, the occupants of which, especially the elderly people, benefited greatly. It was a local project in the true sense.

True, we need to have regional parks and larger areas for gatherings of children and large numbers of people, but we should not drift too far from the principle of helping those councils that are willing to join in a project, as we are doing by reducing the Government allocation from $300,000 to $30,000. Some of the blame for that problem and the lack of further urban drainage activity may fall on the shoulders of local government itself. Local government may have been reluctant in this last year to use all the funds available to it. It may be expecting to receive money from the Commonwealth Government for this area of expenditure. However, this money will be allocated to regional areas only, which in many respects moves away from the principle of local government.

Regional local government organizations (at which the Commonwealth money will be aimed) are distinct bodies, apart from separate councils, which have their own problems. In this respect, local government must be careful if it hopes in future to retain much of its character, continuing to serve people in relatively small local areas. The Commonwealth money will go not to separate councils but will be allocated on a regional basis, and will have strings attached to it. One of the basic principles will be that of regionality rather than of individual councils being given the right to spend the money as they think best.

Finally, I refer to the proposed new city of Monarto, to which the Minister referred in his second reading explanation, saying that $1,500,000 is being allocated to the State Planning Authority this year, some of which is to be spent on land acquisition. Therefore, the expenditure of money on this new project is really getting under way this financial year. Great care and caution must be exercised in the general approach to this proposed new city. The problem of coping with South Australia's increasing population has yet to be solved, despite the Monarto project.

Adequate public inquiry should occur before initial decisions on the expenditure of public money on the Monarto project go too far. This State needs a public inquiry similar to those that are conducted overseas where successful new towns or cities are developed, and such an inquiry must examine every possible facet involved when trying to solve the population problem, the distribution of resources and the matter of decentralization, and everyone, whether it involves individuals or groups of individuals interested in the subject, should have an opportunity to present views and material to such an inquiry. We have not had such an inquiry in relation to Monarto. Although it is too late to debate that matter now, it is not too late to tackle this challenge, which is still unsolved, of where the metropolitan area's population of the next twenty years will live.

One is entitled to ask what Monarto will become. It is undeniable that when the city was first conceived and the public announcements were made in April last year, a new and independent city was envisaged. Those in authority said that it was to be the second planned city after Canberra. Initially, it was envisaged that this new city would be separate from the metropolitan area of Adelaide. However, now we are hearing phrases such as the "submetropolitan city of Monarto". Indeed, I read where the Premier used that expression in Parliament in June, and at a function about two weeks ago I heard him time and time again use the phrase "submetropolitan city". What will it be next? There is a grave danger that it will become part of the metropolitan area.

The Hon. M. B. Dawkins: It will become another Elizabeth. It will be only a short distance away from Adelaide on the freeway.

The Hon. C. M. HILL: I agree. The honourable member is making the point that in the same way Elizabeth was conceived as a separate city, and it is now part of the metropolitan area and, whereas this area now stretches north and south for about 50 miles, the completion of this Monarto development will mean a 50-mile axis east and west, in the centre of which will be the vast catchment area of the Adelaide Hills.

Is that how this State wants to see Monarto finish up—as a glorified suburb of metropolitan Adelaide? I do not think so. We are told that it is to be a city in its own right, but what do we mean by that? We have some metropolitan councils that might claim to be cities in their own right and, as the Hon. Mr. Dawkins just said, we also have the city of Elizabeth, which no doubt claims to be a city in its own right. Therefore, that expression does not mean much.

We must do all we can now to ensure that the future does not hold this fear. We have to consider not only the history of Elizabeth but also changes in public opinion that have already occurred regarding Monarto. Initially, it was to comprise 10 000 ha, which figure was increased to

16 000 ha by a Bill passed in this Council. Initially, it was to house 100 000 people, but that figure was increased to 150 000, and now it is aimed to house 200 000 people. So, we can see the general change in concept.

I agree with the reasons given for the establishment of a city of this size in that area, but I am worried that we are spending public money on what could be the centre, or magnetic attraction, of the area when that same public money under normal conditions would not be spent in a submetropolitan city, but would be spent, if we are ready to tackle the question of decentralization, on an adequate inquiry into establishing a second major city within this State.

The population problem of Adelaide is staring us in the face. The annual growth rate of metropolitan Adelaide is about 3 per cent, which means that by 1991, less than 20 years from now, Adelaide will have a population of 1 384 000 if there is no change in planning and we do not proceed with Monarto. Adelaide now has a population of about 800 000, and if we absorb, or siphon off, 200 000 into the Monarto area we shall have about 400 000 people there, which is double the number that is proposed to be contained by Monarto. This is only 18 years away and that is a short time when we look at future planning, as we should look at it in a question of this kind.

Land and room for development on the Adelaide Plains has practically dried up, as I am sure we all agree, and we have this problem of decentralization. I believe the Government should look closely at the report of the Committee on Environment on this whole question, because if it studied and accepted some of the basic recommendations in that report, it would not proceed with Monarto at the same pace. That report is a splendid one and should form the basis for the public inquiry to which I referred.

The report, at page 91, states that there should be one or more major cities and that these cities should have a minimum of 500 000 population. Therefore, the report is not talking about Monarto, because it made its major decisions before the question of Monarto was raised. The report recommended that the population of Adelaide should be kept below 1 000 000. On page 181 the report suggests that the first such major city could be near Port Pirie: that is decentralization. It is the development of a truly independent and separate city, and is a concept entirely different from what we have at present with Monarto.

The Hon. C. R. Story: I suppose the Agriculture Department will be the biggest industry there?

The Hon. C. M. HILL: There was a statement in the press of July 21 that the Agriculture Department may transfer some of its officers to Monarto, but the Minister of Agriculture probably knows more about that than we do. However, the report stresses the point I am making that if, in the next 18 years, we are going to be forced to establish a city twice the size of Monarto we must be careful now when we consider where we should plan to put our major public resources. We must not rush on with Monarto without having an overall plan in mind.

I was interested to read a press statement by Professor Peter Schwerdtfeger of the Flinders University when he said that the success or failure of the concept of Murray New Town as a vigorous independent community hangs by a slender thread. I believe that warning should be looked at very carefully indeed. However, we have a much larger problem facing us than we have with the concept of Monarto, because we wish to know clearly whether it is intended that it will be a separate city, how it can be achieved and, more importantly, what will be done with the 400 000 people who must be housed or siphoned off from metropolitan Adelaide within the next 18 years.

Where are we going to put these people who comprise double the number of those who will ultimately live in the proposed city of Monarto? I believe that the Jordan report should be taken as a base for the inquiry I have suggested, and that a complete investigation should be carried out before planning goes too far in regard to Monarto. I also believe this is essential in the interests of the State and in the interests of the people. I support the Bill and hope the Minister will make an endeavour, if he is able at an appropriate time, to answer some of my questions.

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

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 478.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill. I should like to deal with the second reading speech given by the Chief Secretary when he introduced this Bill and explained that it made four amendments to Part III of the principal Act. They are not separate amendments in each clause but, running through the Bill, these four amendments are all that the Bill contains. Part III of the Lottery and Gaming Act deals with totalizator operations. The Chief Secretary explained that it is through the licensing of totalizators that the principal statutory control over racing is exercised.

It is my belief that statutory control over the racing industry, whether racing, trotting or greyhounds, which is being exercised through the means of totalizator licensing, is not a logical approach to the situation. Unless the Government is prepared to adopt a modern approach to the control and administration of racing, irrespective of what form it takes, then the standard of the racing industry in this State will inevitably decline. Years ago this State was the leading trotting State in Australia. Today, we see that Western Australia, by any comparison, is far ahead of this State.

In all matters concerning racing we would expect that New South Wales and Victoria, with their larger populations, should have a viable industry, but when one compares what has happened to trotting in South Australia with what has happened in Western Australia one must conclude that we should examine closely the administration of this sport in South Australia. Any action that is taken in this regard (and I refer not only to trotting but to all forms of racing) will need to be strong, and the emphasis must be placed upon providing for the paying public in South Australia a higher standard. As I have said, unless this can be achieved, we shall not see any improvement in the industry in South Australia.

For example, I believe that in Western Australia the approach is totally different. Each industry, and the trotting industry in particular, has its own separate Act of Parliament. That is an aspect that should be examined closely in this State. The second point I make is that it would have been better, although the Bill contains relatively minor matters, if this matter had been left in abeyance for the time being to allow the present Racing Industry Inquiry Committee to present its report. There is probably one matter in the Bill that that committee may well report on. The racing industry, whichever section of it is involved, deserves further consideration by the South Australian Government, and particularly the legislative form that control takes in this State.

The four matters contained in the Bill are as follows: the first group of amendments removes the granting of the totalizator licences from the Commissioner of Police and places that responsibility in the hands of the Chief Secretary. For a long time the Commissioner of Police, under the Lottery and Gaming Act, has had the right to issue totalizator licences. I do not object to the change effected by these amendments. The extraneous duties that are often given the police should be removed, and this change, whereby the Chief Secretary issues the totalizator licences, is not opposed in any way.

The second group of amendments permits greater flexibility in the granting of totalizator licences for meetings, which will allow the transfer of meetings between racecourses if the Chief Secretary is satisfied that a reasonable case exists and the racing clubs concerned, of course, agree to that transfer. In his second reading explanation, the Chief Secretary gave two reasons why a transfer could be granted. One was the weather, where weather conditions were such that a race meeting could not be conducted on a certain course. That could be done previously.

The Hon. A. J. Shard: No—only metropolitan, not for country meetings.

The Hon. R. C. DeGARIS: That is right, but the Chief Secretary in his second reading explanation said there could be a transfer because of weather conditions; and that could happen in the country, as I understand it.

The Hon. A. J. Shard: I would query that.

The Hon. R. C. DeGARIS: I think it applies to the country, too; I may be wrong.

The Hon. A. J. Shard: No, I do not think so.

The Hon. R. C. DeGARIS: Weather conditions were mentioned as one reason by the Chief Secretary in his explanation. The second reason was that a transfer could be agreed to where there was considerable financial advantage in so doing, and that could be, I think, a transfer only of a country meeting to the city. Such a transfer could have short-term financial advantages to a country club but, if racing is to prosper and grow throughout South Australia, short-term financial advantages in such a transfer may not be the correct approach.

I am raising no objection to the right to transfer a country meeting to the city, because anyone can see there could be considerable financial gain to a country club by that, but this power that the Chief Secretary has to transfer country meetings to the city on any ground where he may consider there is a financial advantage will need to be administered by him with great caution, because one can see there will be a pressure to transfer country meetings to the city, or closer to the city, to gain financial advantage.

The third group of amendments provides for an increase in the number of trotting meetings in the metropolitan area and in certain country areas. Also, it provides for the transfer of trotting meetings between country areas but not between country and city. There is a fine point there. One could argue here that, if a country racing club can transfer a meeting to the city (where it can show that the Chief Secretary agrees on certain points, one being a considerable financial advantage) why cannot that apply to trotting also? I raise one point with the Chief Secretary on the trotting industry. In South Australia for a long time we have known that there has been much dissatisfaction with the general administration of trotting. This is borne out in the Wells report, brought down in 1966-67. The major recommendations of that report have not been implemented. I think they should be, for the benefit of trotting in South Australia. I commend to every honourable member who is interested in this matter a study of the Wells report on trotting, printed on September 22, 1966. However, this is not the time for a full discussion of that report, although I believe that in some ways the present Bill can be related to that report.

The third group of amendments increases the number of trotting meetings in the metropolitan area from 35 to a total of 53. At present, we have 49 meetings, because of two charity meetings and 12 that I will term "country status" meetings held during the winter months at Globe Derby Park. The extra meetings are accounted for by using country status meetings on country marks and penalties at Globe Derby Park. I do not want to go into the matter fully now, because the Chief Secretary may be able to assist me and save the time of the Council, but will he clarify the position for me a little further in his reply to the second reading debate?

Will these extra meetings being granted to the metropolitan area have metropolitan status or will some of them be, as at present, country marks and penalties or country status? If the Chief Secretary can give me an undertaking that the extra meetings being granted to the metropolitan area will be metropolitan status meetings, that will satisfy me for the moment. However, if the extra meetings, or some of them, are to be country status meetings, I shall have to examine the position more closely to see exactly what it is. It may well be the Trotting Control Board's intention that these meetings should be meetings with metropolitan status; if so, I do not want to take the argument further. If the Chief Secretary's replies to my questions satisfy me, the matter need not proceed any further.

Regarding the extension of the deduction of the additional 1 per cent of the amount wagered for double, treble, and jackpot betting to all such contingencies whether or not the Totalizator Agency Board is involved in the transaction, that proposal is satisfactory and I shall not advance any argument in connection with it. I support the second reading.

The Hon. A. M. WHYTE secured the adjournment of the debate.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 22. Page 447.)

The Hon. J. C. BURDETT (Southern): I support the Bill. I suggest that it is necessary, first, to review some aspects of the principal Act and to refer briefly to the regulations. In speaking on this Bill, I feel torn between two poles: on the one hand, as a lawyer, I would like to applaud the legislation because its complexities and intricacies must bring much additional work to the legal profession but, on the other hand, as a new Legislative Councillor, bound to consider the interests of the people of the whole State, I must regret the introduction of a new code that no-one understands or, in its present form, is likely to understand. Much of the additional work that will come to the legal profession will be the result of difficulties in interpreting the principal Act.

Legislation of this kind must necessarily be technical, but the difficulties were exacerbated by the indecent haste with which the legislation was introduced. However, there is one requirement of the legislation relating to the legal profession that is worthy of comment. Section 44 of the Act requires that, in certain circumstances, a guarantee shall be void unless executed in the presence of a legal practitioner instructed and employed independently of the

credit provider or mortgagee and unless the legal practitioner gives a certificate in terms of the section. In regard to finance provided by a financier other than a bank, this may in some instances be a valuable protection. However, section 44 (1) will usually apply to guarantees given to banks.

In bank guarantees it will usually be the case that the guarantor may be liable to pay to the credit provider (namely, the bank) an aggregate sum that is larger than the balance originally payable under the consumer credit contract to which the guarantee relates. It will follow that the guarantee is void unless executed in the presence of a legal practitioner and unless it carries the requisite certificate. A bank is quite clearly a credit provider as defined, although it is not bound to be licensed. I believe that the Government was not originally aware that the legislation caught banks. I suggest that it is entirely unwarranted and unnecessary for the legislation to relate to banks.

The whole of the consumer protection legislation with its intricacies, complexity, bureaucracy and restriction of the rights of individuals to make their own contracts can be justified only where it counteracts real evils and malpractices. I suggest that there has been no malpractice on the part of the banks. Their dealings have been fair and above board, and there was no warrant for the Government to interfere. A guarantor had every opportunity to acquaint himself with the terms of the guarantee and, if he did not understand it, he always had the right to seek legal advice. This legislation, in regard to guarantees and in regard to every other matter, was completely unnecessary in so far as it related to banks. The application of the provisions of the principal Act to banks is completely unwarranted. The lender needed no protection. To apply this legislation to the banks is, in the first place, unnecessarily oppressive to the banks and, in the second place, it involves them in the provision of forms and so on and in unnecessary expense. Bureaucratic controls have been applied without any justifiable cause.

The provision I have mentioned requiring a guarantee to be signed in the presence of, and to bear the certificate of, a legal practitioner could, in regard to a borrower who was the customer of a bank, be quite unnecessarily oppressive, not so much in this instance to the bank but more importantly to the bank's customer, the very person whom the legislation is purporting to protect. In country areas it may often be very inconvenient and involve considerable delay and expense for a proposed guarantor to be able to provide the necessary certificate. I predict that many customers of banks, in particular, and probably other credit providers as well, will not receive credit which in the ordinary way they could have obtained, because of these guarantee provisions. The party suffering will not be the credit provider, but the customer.

It is, I think, a fair general comment that this legislation sets out to cure many evils which did not exist and that the measure of protection given to borrowers is largely illusory. Also, I am sure that the legislation will result in many would-be borrowers not getting loans which, on ordinary commercial principles, they were entitled to expect. On the subject of section 44 of the principal Act, I next refer to this section in conjunction with section 43. I am quite sure that sections 43 and 44 are inconsistent. Section 43 (1) *(b)* provides:

> No guarantor shall be liable to any further or other extent than the consumer whose obligations he has guaranteed.

Section 44 (1) provides that, when a guarantor enters into an agreement binding the guarantor to perform an obligation which is not imposed on the consumer, the guarantee must be executed in the presence of and with the certificate of a legal practitioner. But every such arrangement must be a case where the guarantor is liable to a further extent than is the consumer whose obligations he has guaranteed, and this is in conflict with section 43. Section 43 (1) should obviously be prefaced by some such words as "subject to the provisions of section 44 of this Act". In this connection I foreshadow an amendment during the Committee stage. I have been talking about section 44 (1), and I note that section 44 (2) was left out somewhere.

I next refer to section 38 of the principal Act, which has been loosely called the moratorium provision (nothing to do with an event which took place in King William Street some time ago, Mr. President). Broadly speaking, this section provides that, if a consumer is unable to fulfil his contract for reasons which were not reasonably foreseeable at the time of entering into consumer credit, he may apply for relief. In such case the Commissioner is to endeavour to negotiate a changed agreement; otherwise the application is to be referred to the tribunal. This seems to me to be particularly oppressive where the credit provider is a bank. Legislation such as this, which interferes with the ordinary fundamental rights of both parties to make such contract as they see fit, is justified only if it remedies some ill. In the case of banks, at any rate, I suggest that there was no ill to be remedied. There is no evidence (for such evidence does not exist) that banks have been unreasonable in renegotiating loans in the circumstances set out in the section. This section may very well operate to the disadvantage of consumers. Many credit providers may take the attitude that, where the consumer is unable to discharge his obligations, the best course is to let the consumer go to the tribunal in all cases, instead of voluntarily renegotiating the agreement, as usually applies.

I next turn to section 36, the *bona fide* purchaser for value section, which of course effects a radical change in the law. One might ask what would be the position if a person *bona fide* acquired goods the subject of a consumer mortgage or lease without notice and where there was, before the consumer entered into the contract, or after, a bill of sale over those goods. Does section 36 give the purchaser good title? In this respect, as in several others, I suggest that, in the general haste to introduce this legislation, consequential amendments to a number of other Acts have been overlooked. All sorts of anomalous situations can arise under section 36. Suppose a houseowner lets his house furnished and the furniture is not paid for but is the subject of a consumer mortgage or lease. Suppose that the lessee of the house and furniture purports to sell the furniture to a *bona fide* purchaser without notice. In the strict terms of the Act the purchaser would acquire a good title. Is this really what the Government contemplated? More generally, why should this *bona fide* purchaser provision apply in the case of a consumer mortgage and not in other cases?

It is impossible to consider this legislation without adverting, briefly and generally, to the regulations. It is obvious that no proper research was done before setting the type size of documents. First, the type size fixed in the Hire Purchase Agreements Act was quite adequate. Secondly, the type size fixed in the regulations is not commercially available. It is therefore necessary to go to a larger type size that is unnecessarily large and increases the size and cost of the documents. I admit that section 48 provides a way out for the credit provider who does not wish to print documents of the specified type size. As an alternative, the documents may be in clear and legible

handwriting, and perhaps the employment of clerks to write these documents in longhand may reduce the unemployment problem.

The worst thing about the regulations is that they were made on August 2, 1973, and credit providers are expected to be able to comply with them when the Act conies into force on September 3. This is not giving the industry any adequate opportunity to comply. I have grave doubts about supporting this Bill, and 1 do so only because it is essential that specified provisions of the Act may be suspended as provided for in clause 3. I am not happy about clause 4, which, in effect, makes the moratorium provisions retrospective. Retrospective legislation is bad legislation. Clause 5 also worries me. A contract under which the principal is $9,999 is caught but one for $10,001 is not. This is inevitable. There must be marginal anomalies of this kind, but what is really anomalous is that a loan secured on a dwellinghouse for $9,999 is not caught but a loan over a dwellinghouse for $10,001 is. Why? Clause 6 is necessary, granting the other provisions of the Act. Among other things, it is necessary to make the Act relate to a consumer contract for the purpose of purchasing land. I support this Bill.

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

CONSUMER CREDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 22. Page 449.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill can receive general support from the Council, although the Hon. Mr. Geddes, in his speech, made certain points that deserve a reply from the Minister. As I have said previously, three Bills at present before the Council are tied together: the Money-lenders Act Amendment Bill, the Consumer Transactions Act Amendment Bill, and the Consumer Credit Act Amendment Bill. There is a need for the three Bills to pass as quickly as possible, because applications for new licences are to be before the tribunal before September 30. Therefore, I shall not delay the passage of the Bill but will listen carefully to the Minister when he replies to the questions raised by the Hon. Mr. Geddes. I support the Bill.

The Hon. A. F. KNEEBONE (Chief Secretary): The first request, made by the Hon. Mr. Hill, was for more information relating to the reasons for introducing these amendments. The reasons were set out in detail in the second reading explanation, but I will reiterate them for the benefit of the honourable member. Since the legislation was enacted it has been subjected to the closest scrutiny by a committee under the chairmanship of Judge White. Contrary to what was said by the Hon. Mr. DeGaris and the Hon. Mr. Geddes, very little was found in the new legislation that actually required correction, but inevitably certain new ideas were brought forward. The purpose of the present Bills is to give effect to the new proposals that have emanated largely from the committee under the chairmanship of Judge White. The Hon. Mr. Hill asked the reason for including clause 3, which empowers the Governor to suspend the operation of certain provisions of the new Act. This provision is inserted not because the Government expects trouble with the new legislation but because certain businesses are simply not ready to operate under the new legislation. The suspending provision will be used to give these businesses the time they need to prepare to operate under the new provisions.

Some of the answers I am giving now are replies to some of the questions asked by the Hon. Mr. Burdett a few moments ago regarding another Bill. The Hon. Mr. Hill correctly remarked that clause 4 enabled the tribunal to give relief under Part VI of the principal Act in respect of contracts entered into before the commencement of the new Act. This provision is inserted because the committee considered that, if the tribunal was to operate effectively during the early period of its existence, then it must have power to deal with contracts entered into before the commencement of the new Act. The Hon. Mr. Hill commented on the fact that the definition of "consumer credit contract" had been amended to include a housing loan of up to $20,000. The Act previously applied only to contracts of up to $10,000 limit. The amendment is inserted because the average housing loan has recently risen from $9,000 to beyond the $10,000 limit. Obviously, the average consumer housing loan should be covered by the new Act, and an amendment is made accordingly.

The Hon. Mr. Hill raised a question on clause 6. He asked whether there was a change of Government policy on this matter. The reply is that there is in this instance no change of policy. The amendment merely clarifies the operation of the clause. It provides that the Act applies to a contract of sale where the goods are to be delivered in the State, to a consumer credit contract where the consumer receives the credit in the State, and to a chattel mortgage where the mortgaged goods are situated in this State. The amendment thus prevents a supplier, credit provider or mortgagee from evading the provisions of the new Act by utilizing the principles of private international law for that purpose. The Hon. Mr. Hill asked why the power to arbitrate had been taken from the Commissioner. The reply is that it is now envisaged that the Registrar of the tribunal (who is a special magistrate) will now exercise the arbitral powers that were originally to be conferred on the Commissioner.

The first question raised by the Hon. Mr. Geddes related to the time within which the tribunal must give reasons for its decisions. Where an Act does not set down a certain time for complying with a statutory requirement, the law infers that Parliament intended that it should be complied with within a reasonable time. What constitutes a reasonable time depends on the circumstances of the case. If the tribunal was tardy in delivering reasons for its decisions, the honourable member can be assured that the Supreme Court would exercise its power to extend the time within which the appeal may be commenced.

The Hon. Mr. Geddes asked a question about the provision empowering the Attorney-General to authorize other magistrates to exercise the powers of the Registrar in certain localities. This provision is designed to facilitate administration. Obviously, it is undesirable that the Registrar should be constantly travelling throughout the State when his work could be done by magistrates already on the spot. The Hon. Mr. Geddes asked about the effect of clause 17. The effect of the amendment is to make the advertising provisions of the new Act relate to all advertisements relating to the provision of credit, whether or not the advertisement is published by a credit provider. Previously the section dealt only with advertisements published by credit providers. I thank honourable members for the way in which they have dealt with the Bill.

Bill read a second time and take through Committee without amendment. Committee's report adopted.

MARGARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 484.)

The Hon. JESSIE COOPER (Central No. 2): Although I support the Bill, I cannot commend the Government for showing any progressive thought in this matter. During

the Minister's second reading explanation, 1 could almost hear the revered Mr. Condon's sardonic laughter, because he was the Labor Party Leader in the Legislative Council who introduced a private member's Bill in 1960 to increase the quota of margarine produced in South Australia from 528 tons (536.44 t) to 792 tons (804.67 t). He gave the history of the matter. Since the principal Act was passed in 1939 (at which time the quota was 312 tons (317 t)), in 1952 the quota was increased to 468 tons (475.49 t) because of an increase in population. In 1956 the quota was again increased to 528 tons (536.45 t) because of a further increase in population, and there it remained. The Hon. Frank Condon said:

In June, 1954, the State's population was 797 094 and at the end of December last was 939 576—nearly 1 000 000. Since 1956 the manufacture of table margarine in Australia has been increased by 6 494 tons. South Australia received only 60 tons of that amount. From 1950-51 to 1956-57, the Australian quota was increased by 12 549 tons, South Australia receiving only 216 tons. The consumption of table margarine in South Australia is approximately 1 lb. a head of the population. The average in 1957-58 for Australia was just under 3 1b. a head.

My reasons for asking honourable members to support the Bill are—There is no other manufactured article produced in South Australia where a quota is fixed which prevents a manufacturer from producing a commodity that is in strong demand; the manufacturers have to comply with a very high standard under the Health Act; there is a large demand for table margarine which cannot be supplied; that a large number of people, including our new citizens, are partial to margarine and should not be denied the right to purchase; that pensioners, people on superannuation, basic wage and lower incomes, are unable to purchase margarine; that people in other States are able to purchase margarine during the whole year as their quota is much higher; and that table margarine is imported into South Australia, which places the South Australian manufacturer at a disadvantage because of the restriction imposed.

Of course, the Hon. Mr. Condon's Bill failed.

The Hon. T. M. Casey: It would not have failed had you been here, though.

The Hon. JESSIE COOPER: I was here.

The Hon. D. H. L. Banfield: You are older than you look.

The Hon. JESSIE COOPER: I was waiting for an interjection, although that was not quite the one that I expected. I felt sure the Minister would say, "What did you vote for?"

The Hon. T. M. Casey: Well, what did you vote for?

The Hon. JESSIE COOPER: I voted for the Hon. Mr. Condon's Bill, and that Bill failed by only one vote. Among the people who supported the Hon. Mr. Condon's Bill were a leading industrialist, several primary producers, and me. As a result of the failure of the Bill, the quota of margarine produced in this State has for all the years from 1956 to 1973 remained the same unrealistic quota of 528 tons (536.45 t).

The Hon. A. J. Shard: Did you check how many times the Hon. Mr. Condon introduced that Bill?

The Hon. JESSIE COOPER: He must have introduced it twice, I think, in the 1952 period, and then the Government increased the quota in 1956.

The Hon. A. J. Shard: My memory tells me he spoke on it every session he had the opportunity to do so.

The Hon. JESSIE COOPER: He did. What do we find at present? In 1971-72, 15 900 tons (16 154.4 t) of table margarine and 47 400 tons (48 158.4 t) of cooking margarine was produced in Australia. However, South Australia was permitted to produce only .8 per cent or 528 tons (536.45 1) of Australia's total production of 63 300 tons (64 312.8 t). This impediment on the production of margarine in South Australia does not mean that South Australians do not eat margarine. Far from it. It simply means that it is not being manufactured here but is being imported from the other States.

I refer now to South Australia's increase in population from 969 340 in 1961 to 1 172 744 in 1971. One sees that there has been an increase of 21 per cent over this period. Therefore, on our past history and for the sake of common sense alone, there is a case for an increase in the quota of margarine to be produced in South Australia. But what increase is being given in this Bill? Bearing in mind that the new tonne is 1.016 tons in our old weight system, the proposed quota of 712 t shows an increase of 35 per cent. That is why I say I can almost hear the Hon. Mr. Condon's laughter, because the Government of today is not facing the issue honestly. An increase of 35 per cent is totally inadequate considering Australia's total production of 63 300 tons (64 312.8 t).

South Australia's population is about 11 per cent of Australia's total population. Therefore, we in South Australia should be producing not 712 t but about 7 000 t. Indeed, South Australia is producing about only one-tenth of what it should be producing. From the point of view of the South Australian economy, this is a sorry situation, which this Bill does nothing to improve.

Again, it must be realized that the medical pressures for the use of poly-unsaturated materials is, with today's high rate of heart disease, much greater than it was when the original concept of control of margarine was introduced 34 years ago. It is interesting for one to read the old debates. Indeed, as an aside, I noticed in 1960 *Hansard* a passage relating to the Kidnapping Bill, and I thought how relevant it was to today's events. In November, 1939, Sir Walter Duncan said:

I cannot understand any attempt to make people buy something they do not want and to prevent them from buying what they do require. Today, many people cannot afford butter, and I am not prepared to do anything which will prevent them buying margarine if they cannot afford butter. If we closed our margarine factories—

and this is the important part—

the only result would be that we would import margarine from the other States. Therefore, I favour our quota being as high as possible.

There is no doubt that there is a rapidly increasing demand for poly-unsaturated margarine in South Australia. The old argument that margarine is a cheaper product than butter no longer exists, however. I notice in my reading of the 1960 debate that 3s. for a pound (453.6 kg) of margarine was referred to as against 4s. 11½d. for a pound of butter. Today, the demand has helped considerably to raise the price of margarine to within 1c or 2c of the price of butter, and still the demand goes on.

How much longer must this stupidity of keeping the South Australian production of margarine at such a low figure, thereby enabling other States to profit by our deficiency, be continued? 1 support the Bill and hope for a more intelligent Government approach before it passes.

The Hon. T. M. CASEY (Minister of Agriculture): Although I congratulate the Hon. Mrs. Cooper on the way she related the history of margarine, she should do a little more homework in future to get her tonnages right, because when she speaks about margarine she speaks about a multitude of products such as manufactured margarine, cooking margarine, table margarine, and poly-unsaturated margarine. These are the four types of margarine; the only type under quota is table margarine, which includes poly-unsaturates. I should say that practically the whole quota of table margarine is turned into poly-unsaturated

margarine. The figures under the new legislation (which all States agreed to introduce, and which all but South Australia have introduced) for table margarine manufactured in Australia will be 22 448 tons (22 807 tonnes). I believe the honourable member mentioned 63 000 tons (64 008 tonnes).

The Hon. Jessie Cooper: That was the total.

The Hon. T. M. CASEY: I do not know what the tonnage of cooking margarine or manufactured margarine is.

The Hon. Jessie Cooper: You can find the figures in the Year Book; it is printed there.

The Hon. T. M. CASEY: I did not look through that. If we are talking about table margarine, it is not 63 000 tons (64 008 tonnes), but 22 448 tons (22 807 tonnes)?

The Hon. R. A. Geddes: Is this for South Australia or Australia?

The Hon. R. C. DeGaris: And is it tons or tonnes?

The Hon. T. M. CASEY: It is tons, and that figure is for Australia. Unfortunately, I agree with the honourable member when she says—

The Hon. C. R. Story: Why do you unfortunately agree with her?

The Hon. T. M. CASEY: It was a figure of speech only. I agree with the honourable member that South Australia should have a bigger quota than it already has. However, I point out to the honourable member that other States of the Commonwealth have several manufacturers of margarine.

The PRESIDENT: I suggest the Minister address the Chair and not the honourable member who has just spoken.

The Hon. T. M. CASEY: Very well. In New South Wales there are four manufacturers of margarine: Unilever, Marrickville, Vegetable Oils and Provincial Traders. In Queensland there are three manufacturers: Marrickville, Vegetable Oils and Provincial Traders. In Victoria there are two; in Tasmania one; in South Australia one; and in Western Australia there are two. It is difficult when talking about increases in quotas to know how to do it, and to be fair to everyone it is considered better to increase the quotas by a percentage. Unfortunately, this is what happened at the Agricultural Council in February when every manufacturer who was under quota to manufacture table margarine received about a 35 per cent increase in quota. That is why South Australia has got only 700 tons (711.2 tonnes) as compared with some of the bigger tonnages of New South Wales and Queensland.

I hope that in the not too distant future we can abolish quotas altogether, because there are other poly-unsaturates available to the public that defeat the whole purpose of quotas. Once demand is satisfied there ceases to be a need for quotas. Margarine quotas were introduced as a direct subsidy, if you can call it that, for the dairying industry back in the 1930's when this legislation was introduced.

It is also interesting that in New Zealand, which is probably one of the most efficient dairying countries in the world, legislation was recently introduced relating to margarine, which is now freely available. Margarine can be freely manufactured in New Zealand: there are no restrictions. In fact, it is enjoying a prosperous sales programme at present. Of course, most of the margarine is being imported from Australia where Australian manufacturers can obtain export licences that do not restrict the amount of poly-unsaturates or table margarine manufactured and allow the manufacturers to export the product to New Zealand. No doubt, some Australian companies will build premises in New Zealand to manufacture the product in competition with butter.

It is also interesting that butter sells there for about 28c a pound (0.45 kg) whereas New Zealanders are paying about 56c a pound (0.45 kg) for poly-unsaturated margarine. I also believe that margarine sales are outstripping butter sales. Maybe it is because it is a new product and people wish to try it, or maybe it is because the New Zealand medical profession is encouraging people to eat poly-unsaturated margarine instead of butter, as it contains less cholesterol. I agree with the honourable member that we should have done away with quotas years ago because the consuming public should be given what it wants.

The Hon. C. M. Hill: What about the producer?

The Hon. T. M. CASEY: The consumer will determine the demand in the long term and there will not be a need for quotas and restrictions.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

STOCK MEDICINES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 485.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which has been thoroughly canvassed by several previous speakers. I agree that it is becoming more necessary to restrict the sale of various substances that can be used as stock medicines. Science is becoming increasingly aware that some substances can have a residual effect, an effect which is most undesirable when stock are grown to produce meat for human consumption. We know this is most important when export markets are concerned, and we should not forget the health of our local consumers. I remember a substance that was hailed when it was introduced as being a cheap and effective dressing for sheep. The substance was dieldrin, and it was produced for many years until it was found it had a residual effect in animal fat.

Its sale was phased out by being sold to people by permit only. It could be used for a special purpose only if an undertaking was given that the stock would not be sold for a certain time. However, it was later found that the residual properties lasted much longer than the estimated time and the substance was ultimately declared illegal for use as a dip. We must protect our export markets, which are becoming more and more an essential part of our economy; and we must look to the needs of the countries requiring our products, because they set the standards within their own countries and it is up to us as producers to meet those standards.

We could have a situation where stock passing from one State to another could be affected, as we saw only recently when the Victorian investigation into shark meat was undertaken and the sale of South Australian shark fell substantially because of the lack of demand from the Victorian market, one of our biggest outlets. So we see that the improper use of any harmful substances quickly affects the profitability of an industry.

I support the Bill *in toto* but I draw the Minister's attention to clause 10, which amends section 19 of the principal Act. I believe the powers contained in this clause should be used with much discretion because the clause alters the section dealing with regulation-making powers. Although Parliament does, of course, have an opportunity to disallow a regulation, some of the points made in this clause could in some instances entail breaking of the law unknowingly, because it provides for a regulation-making power to prohibit the administration of any prescribed

substance or mixture to stock and also the application of any prescribed substance to stock. Thirdly, it lays down the conditions under which any prescribed stock medicine may be sold.

The administration of this measure is very much tied up with this clause. Under the principal Act, any alteration to a regulation need be published only in the *Gazette.* I ask the Minister to make every effort, through publications such as the *Stock Journal* and the *Chronicle* and through the Stockowners Association, the United Farmers and Graziers of South Australia and similar organizations, to publicize any prohibited substances, because very few people read the *Gazette* and many properties may have supplies of substances prohibited under the regulations. An owner could unknowingly be breaking the law by using those substances for some years, in some instances, before becoming aware of what he was doing. It is also important that this information be published as widely as possible because a large fine attaches to the use of these prohibited substances.

These regulations will have the power to prescribe the conditions under which any prescribed stock medicine may be sold. This part of the Bill I hope the Minister will look at when these regulations are being drawn up, because this is the area that would cover the points raised by the Hon. Mr. Dawkins and the Hon. Sir Arthur Rymill. These are valid reasons, in that the veterinary services we have in this State are not State-wide. Where we do have veterinary surgeons, I find them to be very good and obliging but, particularly in the sale of antibiotics, I believe, like the Hon. Mr. Dawkins, that something similar to a poisons book could be kept by a pharmacist showing the antibiotics prescribed for stock, which are in a different form from those prescribed for people. Usually, they come in a prepared-dose package, with directions clearly marked on them, and there are many occasions when they are needed for instant use. They are used, in some instances, for dermatitis or lumpy wool in sheep. They may be used in a period precisely gauged prior to shearing so that the lumpy wool can be shorn off. I have known of cases where it has been successful; the sheep at present is a valuable animal.

There is also the problem of the cow that needs assistance in calving. This is more often than not done in a yard already contaminated by other stock, because it is necessary to restrain the animal. Conditions are not as hygienic as they are in a hospital and in those instances an instant use of antibiotics is required. Where I live, the nearest veterinary surgeon is about 40 miles (64.37 km) away, or nearly that far. Often, veterinary surgeons are out on a call, particularly at certain times of the year when there is a great demand for their services. From personal experience, I know that often the delay in obtaining the services of a veterinary surgeon can mean the difference between the survival or death of a calf. In this case, the assistance must be given by an unqualified person. It is on occasions like that that antibiotics are required.

There should be a better procedure for obtaining them at short notice, because even the journey of getting to the nearest pharmacist can take some time, and there are many areas in the State where not even a pharmacist is available within reasonable distance. Where stock are being handled (and antibiotics are valuable in the treatment of animals) it should be permissible to keep a small amount of antibiotics on the property. I see no danger in this. If a book as suggested by the Hon. Mr. Dawkins was kept, certain particulars could be required to be put in that book, such as the type of stock to be treated and what they were being treated for, and any person with a knowledge of veterinary work would readily be able to appreciate whether antibiotics were being misused or not. It is obvious that in a flock of sheep only a certain percentage would have dermatitis; an accepted quantity of antibiotics could be applied for and, if more than the required quantity was applied for, that would be the time for people to become suspicious of their use. From what I have seen of the veterinary profession and even of the medical profession, antibiotics are used freely.

I sometimes think that the precautions taken with animals in regard to this type of medicine are exaggerated. I do not think there is any chance of people being harmed, because I cannot imagine people using these products on themselves. These stock medicines, as I say, usually come in a prepared-dose kit, sometimes in a disposable hypodermic syringe. I believe the average responsible person in most instances has some background veterinary knowledge. Such a person will consider the health of his stock to be of paramount importance and, if he has any doubt, he will take the appropriate course. I support the Bill.

The Hon. A. M. WHYTE (Northern): I can see nothing controversial in the Bill. However, it does not go nearly far enough in connection with stock medicines. Previous speakers have highlighted the need to extend facilities to areas not served by veterinary officers. The coverage provided by veterinary officers in this State and probably in the rest of the Commonwealth is extremely inadequate; in saying that, I do not mean to reflect on the competence of the few veterinary officers we have. So much of the State is not served by veterinary officers that we have a real need to extend facilities to people who would be reasonably competent to treat animals humanely if the medicines were available to them.

Clause 8 deals with the effect of medicines on stock. In his second reading explanation the Minister of Agriculture said that it was necessary to keep a close watch on meat intended for export. However, I point out that it is just as necessary to keep a close watch on meat intended for home consumption. Over the years many stock medicines have been condemned after being used for some time.

The Hon. Mr. Springett said that the same kind of situation had occurred in connection with medicines for human beings. Clause 9 amends section 15 of the principal Act and somewhat enlarges the categories of person who shall be competent to undertake analysis of stock medicines. We have seen feeds and drenches that were claimed to bring about greater productivity, but this year the most worthwhile drench of all has been the one that comes from heaven, in the form of rain. I hope the Minister and his Cabinet colleagues will consider the need to extend facilities into country areas that are not served by veterinary officers; this is necessary not only for economic reasons but also for the sake of a humane approach. Many people in country areas are competent to administer stock medicines. At one time a licensing system permitted men in some districts to perform these services for a fee but, mainly because of the veterinary fraternity itself, that system is being phased out, and I believe it is a great mistake to phase it out.

Books give detailed instructions on how to perform various operations, and competent people have studied such books carefully. There is no reason why such people should not have access to the various antibiotics and painkillers that are necessary to relieve suffering and save animals. I have books on this subject, and I know that some ingredients are not always available; in such circumstances one refers to older books. On one occasion, because I could see nothing in a modern textbook on how to cure

botulism in a cow, I consulted an edition published in the 1880's which said that copious quantities of whisky would solve the problem.

The Hon. A. F. Kneebone: At today's price?

The Hon. A. M. WHYTE: The price at that time worried me. I had only a half-bottle of whisky in the place. I gave it to the cow, and the whisky seemed to have the desired effect, so much so that I sent my wife to the nearest hotel to bring back as much cheap whisky as she could find.

The Hon. D. H. L. Banfield: Why did you specify cheap whisky?

The Hon. A. M. WHYTE: The textbook did not specify Scotch. Both the cow and I were glad to see mother return. On drenching the cow with one bottle of the new brew, she immediately got to her feet, rolled her eyes, walked 10 paces, and dropped dead. The Government claims to be first in connection with some social questions, but it should consider being first by extending the availability of stock medicines to competent people, regardless of whether or not they are registered veterinary officers. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I wish to support the points raised by several honourable members during this debate. A genuine concern has been expressed by honourable members concerning any over-control of the use of stock medicines in South Australia. Clause 10 provides for the regulation-making powers that will largely dictate the direction that the legislation will take. I hope that, when the regulations are framed, due consideration will be given to the matters raised during this debate. South Australia has only a limited population in many rural areas, and any over-control of stock medicines could place farmers and graziers in a difficult situation. I do not know whether it was by interjection or in another place that someone referred to the need for strong control because in England many antibiotics were over-used, causing faults in the meat sold to consumers.

The Hon. T. M. Casey: I think it might have been the Hon. Mr. Springett.

The Hon. R. C. DeGARIS: Someone said it, either in this Chamber or elsewhere. One is aware that some control is necessary, but in Great Britain large quantities of antibiotics were being placed in the normal feed boxes. This is a measure that does need control, and when it comes to the use of stock medicines I believe we must rely on the normal outlets and the good sense of the people involved in the rural industry to do as they have always done in using their available knowledge in the best interests of their pursuits. If it occurs that there is an abuse where antibiotics are used in bulk in feed boxes, then control is needed and I make the plea for reasonable control so that the normal stock diseases can be handled as expeditiously as possible by the primary producer. I support the Bill.

The Hon. T. M. CASEY (Minister of Agriculture): I thank honourable members for the opinions they have expressed and I assure them that my concern is equal to theirs. Like the majority of other honourable members, I live in a place where there is no veterinary surgeon and I view this situation with some alarm, because if I should have sick stock on my property I have either to travel 80 miles (128.7 km) to get a vet or try to do something myself.

However, we must look at the other side of the problem. The use of antibiotics must be strictly controlled, especially since there is no doubt that we will be inundated with them in the future. They will be mass produced and antibiotics of all types and sizes will be on the market. 1 was told this the other night by a medical person who said that the medical profession will face this problem in the reasonably near future, and there is no reason why it will not apply also to stock medicines.

No doubt the Hon. Mr. Whyte, and also other members living on farming properties, would know of situations similar to one I shall mention. I heard of an old farmer living on Kangaroo Island who, when asked by a vet what he would do in the case of his cow having a certain disease, said that a good dose of kerosene would fix it up. The vet was horrified, but apparently the farmer had done this and got away with it. To me, it seems very cruel to the cow but, according to the farmer, it cured the ailment.

It is difficult to define who is competent to administer antibiotics. One farmer, in our opinion, could be more than competent, but when it must be written into legislation it becomes much wider and more difficult to police. I will take it up with my departmental officers to see whether we cannot relieve the situation somewhat in South Australia.

The Hon. A. M. Whyte: Don't take it up with the vets; they will knock it back every time.

The Hon. T. M. CASEY: I agree with that, too. South Australia is a large State with great distances between vets, and if I can help in any way in this matter I will be happy to do so.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Cancellation of the registration of a stock medicine."

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

In new section 14 (1) (b) after "does" to insert "not achieve".

This amendment results from the matter raised by the Hon. Sir Arthur Rymill. I thank him very much for pointing this out and I think the amendment will achieve what he mentioned earlier.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Regulations."

The Hon. M. B. DAWKINS: I thank the Minister for indicating that he will look at this matter and I was interested to hear what the Hon. Mr. Gilfillan had to say, because I had examined clause 10 and had intended to ask the Minister to consider this matter under new paragraph *(ad)*. That is the paragraph under which regulations could be drafted to meet the need which I have suggested could arise in country areas. I thank the Minister for saying that he will look at this, and with your indulgence, Sir, and that of the Committee, I express my appreciation of the work of a gentleman affectionately known by successive Ministers and by some members in this Chamber as "Brick" Smith. I refer to Mr. W. Stephen Smith, who has recently retired and who has been of great assistance to primary producers throughout the State. I had intended to make these comments during the second reading debate and I omitted to do so, but I wish to record my great appreciation of the work of this officer.

Clause passed.

Title passed.

Bill reported with an amendment. Committee's report adopted.

PHYSIOTHERAPISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 480.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill before us makes several amendments to the principal Act, the most important of which is that it will allow the board to grant licences to permit certain physiotherapists to practise, even though not fully qualified. At present the principal Act provides only for registration of physiotherapists if they are fully qualified. The reasons given in the second reading explanation for the change are that circumstances arise where a person should have the right to practise physiotherapy but may not be fully qualified and should be able to practise under licence and under supervision, as detailed in the Bill.

The circumstances given in the Minister's second reading explanation relate to foreign graduates who come to South Australia. Under the Bill, such persons will be licensed to practise physiotherapy under certain conditions which the board will lay down, and they will be told what they must do to gain full registration. Clause 11 deals with the provision of a register that will contain the names of those who are licensed physiotherapists under the new provisions of the Bill and the names of those physiotherapists who are fully qualified. In reading the Minister's second reading explanation and the Bill I wondered whether a term other than "licensed physiotherapist" and "registered physiotherapist" could have been used, as there might be some confusion in the use of the two terms. Clause 22 is the enabling clause that enables the board to grant registration to foreign graduates who hold qualifications in physiotherapy that have been obtained outside the State. Clause 22 also enables the board to allow such persons to practise physiotherapy in South Australia.

Clause 23 stipulates that a person so licensed under the provisions of the Bill may practise physiotherapy only under supervision, which is to be determined by the board. Clause 23 also requires such a person to undergo certain specific training in theory and in the practice of physiotherapy. The licensing of physiotherapists will be on a year to year basis, but there is a limit of three years on how long a person may hold a licence as a physiotherapist.

From what I understand of the Bill, a person who is not fully qualified or who holds oversea qualifications can be licensed to practice, but the board will lay down certain requirements that such a person must fulfil to become a fully registered physiotherapist in South Australia. If such a person is unable to satisfy the board that he is capable of becoming fully qualified, his licence as a physiotherapist will be withdrawn.

As the other matters in the Bill are of little moment, I will not comment on them. The matters I have dealt with form the major part of the Bill as I understand it. I do not object to the new procedure, and I have not been contacted by anyone outside who is worried about the new provisions. I support the Bill.

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

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 478.)

The Hon. C. M. HILL (Central No. 2): I support the Bill, which was well explained in the Minister's second reading explanation. The key change the Bill proposes to the existing Act is covered by clause 3 of the Bill, which inserts a new section 8a. Section 8 of the Act deals with applications for protection orders and sets out the machinery that is put in train for protection orders to be granted to prescribed persons. It appears that the obtaining of these orders has, in the past, at times been somewhat expensive, and delays have occurred.

Their Honours the judges have proposed that the Act should be amended so that, on a judge's own motion and before damages are assessed in the case of a person who may not, because of some physical or mental infirmity, be able, in the judge's opinion, to look after his own affairs satisfactorily, the machinery may be put in motion by which a protection order may be granted in favour of a prescribed person. Some protection (to use that word in a different sense) is involved in the Bill in that in such a case, and if the applicant is not the person to be awarded the damages, the applicant must be given good notice of what is going on, unless in very special cases the court directs otherwise.

Secondly, if a judge initiates the granting of the protection order, he will receive and consider any evidence that ought to be put before him before he grants such an order. In practice, I understand that the prescribed person is usually the Public Trustee, but other people entitled to be prescribed persons are defined in the Act and also in new section 8a.

I think that all honourable members who have had business experience and those who have dealt through the professions with members of the public encounter cases from time to time when settlements are made and when serious doubts arise about whether the recipient of the settlement is able to manage his affairs and the proper handling of money. However, if the Bill is passed, it will be possible for a responsible person such as a judge to make an order in a case where settlement is to be made for injury or for other forms of damage.

If a judge believes that the risks to which I have referred are very great after damages are assessed and granted, I think that Parliament is acting in the best interests of such people by allowing the judge on his own motion to arrange for protection orders to be granted. This seems to be the main purpose of the Bill. The other clauses simply tidy up certain provisions of the Act. I wholeheartedly support the Bill's main provision.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 478.)

The Hon. R. A. GEDDES (Northern): I support this Bill, which contains administrative types of amendment designed to allow the Minister to appoint a representative or his deputy to serve on the Aboriginal Lands Trust, acting as a link between Parliament and the trust. The original concept of the trust was that Aborigines would have maximum freedom in its administration. However, because Parliament must provide substantial sums of money to the trust, it is necessary for it to be represented so that the Minister can be informed of the trust's activities.

A representative of the Minister is being appointed because in the principal Act passed in 1968 the Director of Aboriginal Affairs was to be the permanent Secretary. However, since 1968 the administration of the trust has proceeded fairly satisfactorily and a manager has been appointed. He has proved efficient and capable of looking after the trust's affairs in every respect. The Bill therefore removes the need for the Director or his deputy

to attend council meetings. Instead, the manager or manager-secretary may do the job for him.

Clause 9, which deals with prospecting, exploration and mining on lands vested in the trust, may concern some honourable members. In effect, it will restrict right of entry to trust land to the same extent as the restrictions relating to Aboriginal reserves under the Community welfare Act apply, but subject to conditions laid down by proclamation. This amendment is similar to, if not identical with, subsections (7) and (8) of section 88 of the Community Welfare Act, which was passed last year.

I refer now to the disappointing reports that the trust has published. Although the trust could comprise a chairman, at least two other members appointed by the Governor, and not exceeding nine additional members (who would be elected to the trust on the recommendation of the Aboriginal reserve councils), it was stated in the 1971 and 1972 reports that the trust comprised only three members as well as the chairman. Perhaps there is no need to appoint representatives from the councils, or perhaps the councils are unable to find people willing to perform this task. However, it is disappointing that, when it exists, this opportunity to be represented is not taken up.

Despite all the glowing reports about what the Labor Government has done for Aborigines in South Australia, both these reports are in certain ways fairly damning. They are damning to the State Government or the Commonwealth Government, or because there is a lack of co-operation and co-ordination within the areas of the trust's administration. Obviously, despite the glossy reports to which I have referred and our attempts to help Aborigines, there are some black spots, which these two reports highlight. For instance, the 1971 report refers to a property comprising 3 338 acres (1 350.88 ha) at Gum Park, near Narrung. Because of lack of finance, it was not possible to apply maintenance top dressing to the previously renovated pasture or, indeed, to carry out many of the farming requirements of the area. The final paragraph of the report states:

> The trust appreciates the perseverance and conscientiousness of the property manager in what has been, due to lack of progress, a difficult year.

I turn now to the 1972 report, which states that the Government was able to provide $28,250 and was able to purchase stock and commence clearing 500 acres (202.3 ha) that were badly needed to make the property a better financial proposition for the trust and the Aborigines themselves.

In June 1970, W. D. Scott and Company Pty. Ltd. was employed by the Aboriginal Lands Trust to make a report on housing and to assist the trust and the people living on trust lands to improve their lot in life. The report was completed in October, 1970, and since then there has apparently been a fantastic amount of procrastination on the part of both the Commonwealth and the State Governments in getting it off the ground. It appears that the Commonwealth will provide finance if the State spends the money in the way outlined by the Commonwealth. However, that is not what is suggested in the Scott report and is not what the Aboriginal Lands Trust and the then South Australian Minister of Aboriginal Affairs (Hon. D. A. Dunstan) agreed to do. I quote from the 1972 report, which states:

> A letter received by the trust from the Commonwealth Office of Aboriginal Affairs on January 10, 1972, under the hand of Dr. Coombs, caused deep concern to the members of the trust due to its negative and evasive content.

It is interesting that Dr. Coombs was also able to have evasive content in the reports coming out in 1973 relating to the finances of Australia. It appears that the Commonwealth Government eventually came to the party and provided, of the $319,350 a year for a five-year period as requested, the sum of $143,000. Of course, the State is contributing $633,800 to try and make Point Pearce an area of self-employment, and an area of advancement and encouragement to Aborigines. The trust has been trying since 1970 to get this project off the ground. It is regrettable that we all have problems and that there should be frustrations in a concept such as this, which was designed to be helpful. To add emphasis to my concern there is another paragraph in the 1972 report which reads:

> The trust has during the year experienced difficulty in achieving effective communication with other agencies. On some occasions the trust has not been informed of developments taking place in fields directly related to the trust's interest. The lack of such knowledge has made it difficult for the trust to take appropriate action or formulate opinions on such matters as land rights, the development of enterprises affecting Aboriginal advancement, and other matters of general policy.

However, we are told that we are the most advanced State in caring for Aboriginal people, but the report from the trust points out that, as advanced as we have been, or tried to be, within the department and within the State administration, there is still a lack of appreciation of the causes of these problems that will not help the general well-being of Aborigines. However, I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

POLICE ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from August 23. Page 479.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The remaining parts of the Police Act are such that it hardly warrants keeping them on the Statute Book. This Bill, I believe, meets a request or recommendation from the Parliamentary Draftsman, who used to assist us in this Chamber, and who is now consolidating the Statutes. I have looked at the Bill and I entirely agree with him that there is no reason why a formal portion of the Act should remain in the Statute Book. I support the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

PROHIBITED AREAS (APPLICATION OF STATE LAWS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 23. Page 479.)

The Hon. J. C. BURDETT (Southern): I rise to support this Bill. I have examined the measure and the Act mentioned therein. The Bill merely corrects anomalies caused by other Acts having become redundant. I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

CROWN LANDS ACT AMENDMENT BILL

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

PRICES ACT AMENDMENT BILL

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

ADJOURNMENT

At 5.47 p.m. the Council adjourned until Wednesday, August 29, at 2.15 p.m.