LEGISLATIVE COUNCIL

Thursday, August 15, 1974

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

QUESTIONS

COMMONWEALTH AID ROADS GRANTS

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. R. C. DeGARIS: In the House of Representatives on July 11 a question was directed to Mr. Charles Jones, the Commonwealth Minister for Transport. In reply to that question, which related to Commonwealth aid roads grants, the Minister said:

> The accusations made by Sir Charles Cutler in New South Wales are typical of the squealing which is coming from a number of State Ministers responsible for roads who are not prepared to examine the facts.

Shortly afterwards, in reply to the interjection "What about Mr. Virgo?", the Minister replied:

> Mr. Virgo is quite happy with it, because he knows what is under way.

Will the Minister of Health ask his colleague whether it is true that he is perfectly happy with the present financial arrangements regarding roads in South Australia?

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague.

CATTLE DEATHS

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

Leave granted.

The Hon. C. R. STORY: On last night's television and in this morning's country edition of the *Advertiser* it was reported that 37 cattle had died on the property of Mr. Krause at Padthaway. These cattle are alleged to have died as a result of a chemical used for the control of tick. The report states that this was an isolated case, as this chemical had been used extensively in this State and in other parts of Australia. I noticed from the report that Dr. Fearn, an Agriculture Department veterinarian, stated that a report was being prepared for himself and, I presume, for the Minister. As these are peculiar circumstances, and this isolated case (in which $5 000 worth of stock has been lost) may have been caused by the time of the year or something of that nature, will the Minister say whether he has any further information on this subject that he could give the Council?

The Hon. T. M. CASEY: No, I have no further information. However, a report will no doubt come to me in due course, and I will inform the honourable member what the circumstances were at the time and what are the likely remedies.

The Hon. A. M. WHYTE: Does the Minister think that perhaps it would be prudent to suspend the sale and the use of the chemical preparation known as Warbex, which at the moment is suspected of having caused the death of these cattle, until his officers have had time to investigate the situation and report on it?

The Hon. T. M. CASEY: I draw the honourable member's attention to the fact that if many chemical compounds that have been on the market for many years (for example, sheep dip) are not used according to the instructions and not at the right time—for example, we do not normally dip sheep when it is raining—

The Hon. R. A. Geddes: What has that to do with cattle?

The Hon. T. M. CASEY: I am referring to the operation being carried out according to the instructions (I am not saying it was not in this case). I have asked for a report from the department on this; I cannot make a true evaluation without receiving information from the department. I do not intend suddenly to ban the use of this chemical; it may not be necessary. So, in the circumstances I think it prudent to wait until the information is available before taking the drastic step that the honourable member has suggested.

PLANNING AND DEVELOPMENT LEGISLATION

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister of Agriculture, as the acting Leader of the Government in the Council.

Leave granted.

The Hon. C. M. HILL: I raise a matter to which I referred during the Address in Reply debate, a reply to which I have not yet received. It concerns the Government's announcement in His Excellency's Speech of its intention to bring down legislation involving planning and development activity. I mentioned at the time that there had been press publicity stating that some people were dissatisfied with the present legislation. Major press articles appeared on the matter on August 13 last year, and on May 21, May 25, and June 19 this year. People have mentioned to me that they consider that members of the public should be given every opportunity to give evidence and to involve themselves in. proposals that can lead to the best possible legislation of this kind that South Australians ought to be governed by. At the time, I mentioned my own view that a public inquiry should be held so that interested people could give evidence. Does the Government accept the principle that maximum public involvement is necessary to help formulate the best possible draft planning and development legislation? If it does, will the Government set up a Royal Commission or similar public inquiry to ascertain the best possible way to improve planning and development legislation in South Australia; if so, will the Government give all institutes, associations, and individuals interested in or affected by planning and development legislation an equal opportunity to give evidence before such Royal Commission or inquiry?

The Hon. T. M. CASEY: I shall obtain a report as soon as possible in reply to the honourable member's questions.

EFFLUENT DISPOSAL

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question regarding effluent disposal at Mount Gambier?

The Hon. T. M. CASEY: The answer to the honourable member's specific inquiry is "No", although the Minister of Works states that a duplication of the pipeline from Mount Gambier to the sea is required to increase its hydraulic capacity. However, the department is investigating the feasibility of establishing an effluent treatment plant inland.

The Hon. R. C. DeGARIS: Has the Minister representing the Minister of Works a reply to my question of July 24 about sewage disposal from Mount Gambier?

The Hon. T. M. CASEY: This matter comes within the functions of the Engineering and Water Supply Department, and my colleague states that that department has undertaken a study and is currently investigating various alternative methods of treatment and disposal of sewage from Mount Gambier.

LAND RENTAL

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

Leave granted.

The Hon. A. M. WHYTE: I am under the impression that land acquired by the Highways Department from Mr. and Mrs. Elston, situated in Burbridge Road, still belongs to the Highways Department. It was that department which made the acquisition. As I understand the land is now leased to certain other people, will the Minister ascertain what rental is paid, and on what valuation and other circumstances the rental is based?

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

WATER STORAGES

The Hon. M. B. DAWKINS: Will the Minister of Agriculture, representing the Minister of Works, ascertain the state of country water storages in relation to their total capacity, including what might be described as the semi-metropolitan storages at the southern end of the Barossa Valley?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

LAND AND BUSINESS AGENTS ACT

The Hon. F. J. POTTER: I seek leave to have incorporated in *Hansard* the five questions I asked on March 13 about the operation of the Land and Business Agents Act, together with the replies to those five questions, which were delivered to me in writing by the Minister after prorogation.

Leave granted.

LAND AGENTS

(1) Where a person currently holds both a land agent's licence and is also a licensed land broker, will he be permitted to retain both licences and elect to carry on business only in one capacity?

(2) If a person currently holding both a land agent's licence and a broker's licence relinquishes one of them, will he be permitted in the future to obtain again a licence for the relinquished category without restrictions or difficulties —for example, again having to submit himself to a qualifying examination?

(3) Where a land broker was previously employed by a land agent and continues in that capacity, pursuant to the terms of the new Act, will that broker be permitted, with his employer's consent, to undertake work in his private capacity as a broker, either within or outside his normal employment hours?

(4) Where a land agent lawfully continues to employ a land broker on his staff, will he be permitted to refer persons, who may call at his office seeking the services of a broker, to his own employee?

(5) Will a person who carries on business solely as a licensed land broker be permitted as such to collect for and on behalf of his clients *(a)* principal and interest repayments on mortgages which he has prepared for clients; and (b) house rents where he has prepared the lease?

The answers to the questions are as follows:

(1) Yes, provided that he in no way acts in the dormant capacity.

(2) *(a)* A person previously licensed as an agent will not have to pass a qualifying examination if he applies for a licence within 10 years of relinquishing his licence.

(b) A person licensed as a land broker on June 23, 1974, will not have to pass a qualifying examination if he later seeks a new licence after relinquishing his licence.

(3) Yes, provided that—

(a) the licensed land broker was so employed from May 1, 1973, or earlier;

(b) he is not a director of or in a position to control the affairs of an agent which is a corporation; and

(c) the broker does not pay or give the agent any commission and the agent does not procure, or attempt to procure, the execution of a document by which any person requests or authorizes the broker to transact any dealing affecting land.

(4) The answer to this question depends on what is meant by "refer". In any event, the agent must not receive any fee from the broker and must not procure, or attempt to procure, the execution of any document by which a person requests or authorizes the broker to transact any dealing affecting land.

(5) Yes.

ROAD MARKINGS

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

Leave granted.

The Hon. G. J. GILFILLAN: I believe that one of the important safety features in our road system is the provision of clearly painted guidelines on roadways. These are particularly important in times of bad weather, such as fog, and rain at night. I am sure many drivers have been in the situation where they have found the white line of value in keeping them to the proper side of the road in heavy fog. I have noticed that, probably because of the extremely wet winter we have been experiencing, many road markings are no longer visible or, at best, are only partly visible. I point out that, for instance, a confusing situation exists on the road to Port Wakefield, in places where there are stretches of dual highway that merge into a single highway for some distance and then become a dual highway again. The lack of marking on the roads, and particularly on those due for reconstruction, can lead to some confusion. Would the Minister ask his colleague to suggest to the Highways Department and other responsible authorities that the clear marking of roads at all times be given high priority?

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague and bring back a reply.

DAIRY PRODUCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 13. Page 392.)

The Hon. C. R. STORY (Midland): This is the second of three Bills that the Minister of Agriculture has introduced dealing with the same general topic. Yesterday I dealt at length with the Dairy Industry Act Amendment Bill, the provisions of which are very much the same as those of the Bill now before the Council, except that the amendments to the Dairy Produce Act not only have repercussions in this State but they also have Commonwealth repercussions. This Bill deals with the operation of the Dairy Industry Board, which was set up in 1932 after a commission of inquiry, of which the late W. J. Dawkins was Chairman. Following a lengthy inquiry the Government decided to bring into operation an equalization scheme for the dairying industry, and this proved to be a prudent move.

Most dairy produce is consumed in a form other than milk. The price of whole milk has always been rather higher than that which could be obtained for milk used for other purposes. Consequently, those people fortunate enough to be able to sell their milk as whole milk were at a distinct advantage, as were those dairy farmers who lived close to a metropolis or a large town. On the other hand, dairy farmers in outer country areas had to separate the milk from the cream and forward it to butter factories

or cheese factories. So, the industry saw that an equalization scheme was necessary; in due course, the Commonwealth Government, too, saw that it was necessary. While in the first instance this legislation dealt with intrastate production, subsequently it embraced a wider field. When the whole of the Commonwealth production was examined, some had to be exported and some had to be consumed, in various forms, on the Australian market. A proprietary company was set up at some stage (I cannot remember the exact date), and it is still operating. It works with the Agriculture Department as part of the dairying industry's structure.

The board has done a good job in maintaining a general equalization in the industry. It decides on the amount of production and the price for which the milk will be sold. It also decides on the amount of cheese and butter that will be produced within the State and, as well, it sets the quota for export to other States. As a consequence, a fairly equitable situation arises from the board's operations. It is important that this new product, which is to be put on the market soon, will also come within the ambit of the board's operations. If the Act is not amended, this product could not come within its ambit, because it is not a product that is made from milk only: it is a composite product of which more than 60 per cent will be butter.

It is necessary that the board take into account the amount of butterfat that is to be used in the composite product, dairy blend, when it is assessing the number of products that will be needed for use within the State. The previous situation, in which only butter and cheese were dealt with, is changed. The board will have the additional responsibility of supervising the distribution of butterfats that are used in dairy spread. As the interpretation section of the Act has been amended to include "dairy spread", it is logical for the matter to come under the board's operations.

Most of the amendments contained in the Bill are consequential on the Bill to amend the Dairy Industry Act. The Bill brings the new spread into line with many other dairy products. It is necessary that the amendments be put into operation and that we continue to hold a tight rein on orderly marketing within the dairying industry. For these reasons, I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

MARGARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 13. Page 391.)

The Hon. C. R. STORY (Midland): The amendments in this Bill fit into the pattern of two other Bills (the Dairy Produce Act Amendment Bill and the Dairy Industry Act Amendment Bill) with which the Council is currently dealing. As I said yesterday, the Margarine Act is not being amended in a major way (it is still certainly not being amended in as major a way as I would like to see it amended). I sincerely hope that, when the marketing of this new product gets under way, the Minister will again bring an amending Bill before the Council so that honourable members can try to put the legislation in order in the same way as the other two Bills with which the Council has already dealt put those other Acts in order.

The main part of this Bill is the amendment to section 3, which is the interpretation provision. The amendment excludes dairy blend from the provisions of the Act. This product is of the same nature as margarine, as it is not completely derived from a lacteal product. The definition of it is more akin to that of margarine than to that of butter, although butter will be the main ingredient in the new spread. The Bill also makes metric conversion amendments. As I said yesterday, one conversion is not accurate. I am sure the Minister will tell the Council why the reference to "one hundred yards" is being converted to "ninety metres". I am sure there must be a good reason for it, or the Minister would not have put it in the Bill.

The Hon. Sir Arthur Rymill: What do you suggest it should have been?

The Hon. C. R. STORY: I think it should have been about 91 m. If Sir Arthur Rymill has his calculator working under his desk, as I am sure he usually has, he will be able to tell honourable members the exact conversion.

The Hop. Sir Arthur Rymill: That would make us slaves to the Imperial system.

The Hon. C. R. STORY: I like being a slave to the Imperial system. I am proud to be a slave to the Imperial system, whatever form it takes. I believe in the Imperial system. Some people seem confused about the present situation, and I draw attention to a report from the Heart Foundation of Australia and a physician's statement which was the basis of a seminar attended by many eminent people. Some points arising from this report are relevant to the subject.

First, the quota for table margarine at present encompasses 23 174 tonnes a year, but the quantity of other margarine on the market in the form of spreads or cooking margarine is much greater. We have heard about the possibility of removing quotas applying to table margarine, but the points I have in mind deserve consideration. The first relates to labelling. I do not think there is any problem about public acceptance of poly-unsaturated margarine: I think the public accepts it very well. However, more care must be taken to see that the public is properly informed on just what is being sold as margarine or as spreads.

Many people believe that, because they have read that margarine is better for them than butter, they should buy margarine when they see it readily displayed in the shop. Unless there is some indication on the package to inform people that the contents are not poly-unsaturated margarine but, in fact, 90 per cent animal fat with colouring and other things added to give proper spreadability, I think the public is being taken for a ride. I am not so much in favour of the Victorian legislation, which provides that no colouring at all can be put in cooking margarine, that it must be sold in the clear colour (which is much the same as the colour of lard), and that it must be put in a packet clearly marked to the effect that the contents are cooking margarine for cooking purposes only. I think that stipulating "for cooking purposes only" is probably going too far, but the public should be warned against buying straight-out fat, which is what it is being sold as at present.

The Hon. T. M. Casey: I think it would be better to say beef and mutton fat rather than animal fat.

The Hon. C. R. STORY: If the Minister wishes, I shall do that, because he is perfectly correct. If people were asked to use mutton and beef dripping at all times for spreads, for making sandwiches, and so on, most would refuse. However, because the product is dressed up with a bit of colouring, people are willing to use it; smart

advertising techniques have convinced them it is a substitute for butter. Some of the earlier advertising showed a butter knife, to engender the idea that the spread was actually butter, and this has remained in the minds of many people.

The high fat content is most harmful to people who have high cholesterol blood counts. It may not affect some people, but the health of those with a cholesterol problem is being put at further risk unless some warning is given by legislators. If the warning that smoking is a health hazard is to be displayed on cigarette packets, I think equally people should be told that the use of these fats is a health hazard. Over the years, Governments have been reluctant to take a stand against the dairying industry in these matters. That dates from the early days of margarine when the ingredients were all imported, mainly in the form of coconut oil and similar oils that came from countries where little hygiene was observed in the gathering of the products, or when little hygiene was observed in the manufacture of the margarine at the time. People became very cautious about it.

The original laws were strict and recently, with overproduction in the dairying industry, it has been difficult to do anything about the acceptance of margarine. From the time poly-unsaturated margarine came on the market the position should have changed, but the resistance has always been great. As one who has been to meetings of the Agricultural Council, I know the difficulties the Minister and his colleagues must have encountered. The States of New South Wales, Queensland, and Victoria are fairly dependent on the dairying industry, and in New South Wales and Queensland the industry is not thrifty, having much bulk milk but little milk of high quality. This position has largely held up the acceptance of poly-unsaturated margarine throughout Australia. That is a great pity, because much of the country used over the years for grazing cows could equally have been used for producing the various crops for vegetable oils used in the production of margarine. It would not have been a threat to primary industry if the Australian content of poly-unsaturated margarine had been 100 per cent, but the fear that, if there is an open go, we will revert to importing various cheap raw materials has remained in the minds of the people, especially those in the dairying industry. They fear that there will be insufficient Government protection.

I do not think we should over-protect the dairying industry, because it wants and needs competition, but that competition must involve an Australian component in the product that is a substitute for butter. That can be provided, as I said yesterday, in several forms and from a number of parts of the Commonwealth of Australia, including South Australia. Therefore, I think there will be little objection to the Government's policy of endeavouring to have the other States agree to removing the quotas on table poly-unsaturated margarine; but I think and hope there will still be resistance to making it any easier for people to produce any old thing in the name of margarine.

The Government should now overhaul the legislation if it is advocating wholeheartedly an open go in producing poly-unsaturates. It must ensure that the dairying industry is protected against the cheaper and easier to manufacture type of margarine. I ask the Minister to look at this closely, bearing in mind that the dairying industry will co-operate well but needs protection. I support the second reading of the Bill.

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

EMERGENCY POWERS BILL

Further consideration in Committee of the House of Assembly's message intimating that it had disagreed to the Legislative Council's amendments.

(Continued from August 14. Page 453.)

The CHAIRMAN: When the Committee adjourned yesterday, it was about to take a vote on the question that the motion as amended be agreed to.

Motion as amended carried.

Amendment No. 6:

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

That the Legislative Council do not insist on its amendment No. 6.

If this amendment was carried (and, unfortunately, the Government cannot accept it) it would mean that the Act presaged by this Bill would have a life of less than five months. In the opinion of the Government, that would be far too short a period. For that reason, I cannot accept the amendment.

The Hon. Sir ARTHUR RYMILL: This amendment finally became my amendment because I moved the Act should have a shorter life than provided for in the Bill, and apparently honourable members eventually agreed to this. I made my position clear in the previous debate that, if the Act worked properly, then I for one, and I am sure other honourable members, would not object to its being extended for another 12 months. I have made the point that this is experimental legislation and we must see how it works before we give it such a long period of operation as nearly 18 months, as the Government proposes.

Since I made that speech, I have given this measure, as no doubt other honourable members have, considerable thought, and it is my considered opinion now that the Bill is a really appalling one, fraught with all sorts of absolute dangers to our democracy. Personally, I would prefer to see it abandoned altogether, and perhaps the Government could come along with more specific legislation from time to time to deal with situations as they arose. However, I know we find it almost impossible, on this side of Parliament, to get our message across. We do not have the press secretaries that the Government has to deal with these matters. As we have none of these secretaries, the newspapers are festooned with a variety of statements, already made up for the Government by its press secretaries, and the Government has the advantage there, whereas the message of honourable members on this side does not seem to get across to the public at all.

If we vote against the Bill altogether, the Government will get its press secretaries to work to say that we are decadent, ancient and reactionary, etc., without their presenting the case that we believe in, thus throwing further mud at this Council. I would prefer to see the Act operate for a short period in consequence (and only in consequence) of the Bill so that we can review its operation after a comparatively short time; but, if the Act is to operate for 18 months without review, and if it proves to have the implications I fear it will have, chaos can be caused in that time.

So I am adamant about providing a very short period. I have no doubt the Bill will go to a conference. If the conference in its wisdom votes for the longer period, I will exercise my prerogative in this Council of voting against the recommendations of the managers, as we are entitled to do. This is a vital clause of the Bill, and I ask honourable members to insist on the amendment.

The Hon. C. M. HILL: I, too, believe this to be an extremely important provision. Whilst the Government has stated that it will not accept the amendment, I make

a plea to the Government to consider the amendment carefully, because the fate of the Bill may well hinge on it. The Government can obtain what it seeks if it accepts the amendment, because it would undoubtedly be able to obtain an extension of time through new legislation at the end of this session, provided, of course, that the Government had acted reasonably in carrying out what it laid down as a result of the measure in the event of an emergency.

In other words, Parliament would have an opportunity of observing the approach that the Government might take under the legislation if an emergency arose. Subject to the Government's approach in going about the proclamation of a state of emergency and subject to the methods that the Government might adopt in trying to overcome the state of emergency, Parliament could then reassess the situation and, if the Government had acted reasonably, an extension of time would be granted.

Under those conditions the Government would obtain all it was seeking in the measure. It would therefore be a great pity if the Government was unable to take a more reasonable attitude in regard to this all-important provision.

The Hon. M. B. CAMERON: I will support the provision, but I repeat that this Bill is abominable. I agree wholeheartedly with what the Hon. Sir Arthur Rymill says, that it is fraught with danger. The fact that the legislation may apply for only a short period does not impress me greatly: the present time provides our one opportunity to put the Bill out altogether. I will support any amendment that makes the Bill unacceptable to the Government. This is my sole aim in supporting any provision in the Bill.

The Hon. J. C. BURDETT: I support the remarks of the Hon. Sir Arthur Rymill. Over the weekend, as a result of thinking about the Bill, I looked up the history of the establishment of the Third Reich, and I found that it was established not by bloody revolution but constitutionally, by giving the Government the right to govern by decree.

The Hon. M. B. Cameron: Or by regulation.

The Hon. J. C. BURDETT: It comes to the same thing—it is the same as is proposed in the Bill. Of course, it was in different circumstances: it was not for a limited period. Nevertheless, that was the way in which that dictatorship was established constitutionally. This Bill gives me cause for grave concern. I am willing to support the Bill, but it is essential that the period of operation be restricted.

Motion negatived.

The Hon. Sir ARTHUR RYMILL moved:

That the House of Assembly's message be recommitted for reconsideration of the Legislative Council's amendment No. 5.

Motion carried.

Message recommitted.

Amendment No. 5 (as amended)—reconsidered.

The Hon. Sir ARTHUR RYMILL: I move:

That the alternative amendment be amended by striking out subclause (1) and inserting the following new subclause:

(1) Where pursuant to any regulation under this Act
(a) any real or personal property is acquired or requisitioned,
or
(b) any services are requisitioned,
the person entitled to that property immediately before it was acquired or requisitioned or the supplier of those services shall be entitled to compensation under this Act from the Minister for any loss, damage or injury suffered by him as a result of that acquisition or requisition.

Honourable members will remember that there were two amendments on file in relation to this part of the message—one by the Hon. Mr. Burdett and the other by the Hon. Mr. DeGaris. The Hon. Mr. Burdett's amendment went considerably further than that of the Hon. Mr. DeGaris; indeed, it went so far that it could pose difficult problems for the Government, to the extent that I do not think that the Government would accept it. On the other hand, the Hon. Mr. DeGaris's amendment seemed to be extremely reasonable, but unfortunately he said that, if the Hon. Mr. Burdett's amendment was carried, he would not move it. I therefore enlisted your aid, Mr. Chairman, to enable me to move the Hon. Mr. DeGaris's amendment in the face of that reluctant honourable member's reluctance to do so.

When this part of the Bill was before honourable members in the first place, the Hon. Mr. Springett and I voted with the Government against the Hon. Mr. Burdett's compensation clause. I think that the mover of the amendment, who had later to move to amend it, virtually agreed that we were right, and apparently the Leader of the Opposition was of the same opinion, because he also had an amendment on file purporting to amend the amendment. Someone remarked that this Bill's fate at a conference might be determined on the time limit; I do not think that at all. Actually, I think that the fate of the Bill will be determined by whether the clause exempting strikers is agreed to by this Council, and that will be over my dead body, as it were. I believe that the Government has put this clause in the Bill at the request of the Trades Hall for the purpose, when there is a strike, of claiming, "We cannot deal with the strikers, but we can deal with all the innocent people and make them toe the line. However, the strike has got to be allowed to go on."

The Hon. G. J. Gilfillan: The Bill says so.

The Hon. Sir ARTHUR RYMILL: Yes. I should like to predict that the conference, which will obviously take place on this Bill, will fail to reach agreement because of that strike clause; this Council will not agree to the exemption of strikers, and the House of Assembly will say that it will drop the Bill if we do not agree. Then, of course, these expensive press officers that the Government has found it necessary to employ (honourable members in the Council find themselves reasonably capable of doing their job for themselves) will then draft out all sorts of stuff saying that the Council is totally wrong. I return now to fundamentals.

The Hon. T. M. Casey: Hear, hear!

The Hon. Sir ARTHUR RYMILL: I think everything I have said is totally relevant to this matter.

The Hon. T. M. Casey: I agree.

The Hon. Sir ARTHUR RYMILL: I am glad the Minister agrees. My amendment (taken over from the Hon. Mr. DeGaris) provides that the only thing that will be subject to compensation will be the acquisition of real or personal property or the requisition of services. I think that is totally reasonable; the Government would find this hard to resist. Perhaps this is why the Leader of the Government in the Council did not call for a division on the Hon. Mr. Burdett's amendment, as he would have found it easier to deal with than the Hon. Mr. DeGaris's amendment at a conference. I think (and I am not criticizing your ruling in any way, Mr. Chairman) that the voices seemed to be fairly even. In those circumstances, I should have thought the Leader of the Government would call for a division because, even if there were only five lonely voices (although there are normally six), it would show how honourable members voted.

The Hon. A. J. Shard: We leave you to yourselves sometimes.

The Hon. Sir ARTHUR RYMILL: When he was Leader, the honourable member rarely did that (and quite properly so, in my opinion). It is the Government's duty to call for a division so as to show how honourable members vote, even if the Government thinks it is a hopeless cause.

The Hon. M. B. Cameron: Can any honourable member call for a division?

The Hon. Sir ARTHUR RYMILL: Of course. I would have called for one had it suited me to do so. However, it did not suit me. The Government has almost made a religion of calling for a division even when it has been a lost cause. I was alerted yesterday when the voices seemed possibly to be a little more evenly attuned than they are usually, yet a division was not called for. When I was a junior practitioner in the law courts, I learned, to my chagrin, that if the other side wanted something one should certainly not accede to it even though one could not see what possible reason they could have for making the request. The converse applies in this case.

I am not asking honourable members who belong to the same Party as I do to support me on this matter. Indeed, I do not care whether they do or do not, as this Bill will obviously end at a conference and they will have their opportunity then. However, I should like them to ponder my remarks and wonder whether it would not be better for the Leader's amendment (which I have taken over) rather than the Hon. Mr. Burdett's amendment to go to the conference, as in my opinion the conference could not possibly accept the Hon. Mr. Burdett's amendment whereas it could, I think, properly accept the amendment I have moved.

This might be what the Minister had in mind when he did not call for a division. This is not the only clause in dispute. I know it could be said that some honourable members believe one should have some sort of bargaining power when one goes to a conference, that both sides must appear to have some sort of a victory, and that one must have things that one can drop. However, I do not think that argument applies here, as other more fundamental things (such as the strike clause to which I have referred) will call for attention. I commend the amendment to honourable members.

The Hon. C. R. Story: What is the difference between the two amendments?

The Hon. Sir ARTHUR RYMILL: One must appreciate the fundamentals of the Bill to answer that question. Before Parliament has a say in the event of any emergency, this Bill can override almost any legislation on the Statute Book, including the powers of compulsory acquisition. I do not know what the consequences would be if Parliament disallowed the regulations. The amendment I have moved relates to utterly fundamental rights that should be preserved, whereas the Hon. Mr. Burdett's amendment is much more at large, and I would find it difficult to define exactly what it covers. In any event, it covers far more than my amendment, and I think it would be difficult to have it accepted.

The Hon. J. C. BURDETT: If this amendment is carried, it will take the place of new clause 5a (1), which was passed yesterday. As Sir Arthur Rymill explained, the difference between these two provisions is that, if the one the Committee is now debating passes, compensation will be limited to compensation for requisition of real and personal estate and services. However, the amendment that was passed yesterday goes further than this, and applies to any loss sustained as a result of compliance with the regulations under the Bill, except a loss caused by the freezing or rationing of goods. The debate on this Bill, which honourable members understood was an urgent measure, has meandered quietly into the sixth day since it was read a second time, so I will need to reiterate some of the points I made previously. This Bill gives very wide, in fact absolute, powers. It has been said that my amendment giving the right to compensation is still too wide, even after I restricted it from its original scope. I believe that, as the powers the Bill gives the Government over subjects are so sweeping, their rights for compensation for losses suffered by the exercise of those powers must be fairly wide.

The Hon. Sir Arthur Rymill: Do you now think your first amendment was too wide?

The Hon. J. C. BURDETT: No, it was the same as the provision in the Victorian Bill, and I have not heard that the State of Victoria has gone bankrupt or that it has been found necessary to change the provision.

The Hon. Sir Arthur Rymill: But it is only putting money from one pocket to another.

The Hon. J. C. BURDETT: I moved the amendment yesterday in deference to opinions expressed in this Chamber. I was prepared to restrict the operation of the amendment I first moved, although I did not consider that was too wide. The amendment at present before the Committee will restrict the right to compensation to the fields of real and personal estate, and services requisitioned. This amendment would provide for compensation in cases where persons were compelled by regulation under the Bill to keep their business open at a loss. The Hon. Mr. DeGaris and the Hon. Mr. Story have both said such persons should be compensated. Under this amendment, there would be no compensation where the subject was prevented from carrying on business but was compelled to keep on paying his staff, or where the subject was sent to, say, Oodnadatta by regulation under the Bill and left to find his own accommodation and his own way back. I think that written into the Bill should be the right to compensation in all these cases.

Any claims for compensation under the amendment passed yesterday would have to be proved. It would have to be proved that loss, damage, or injury had been suffered and had resulted from compliance with the regulation. This would have to be proved in court or before the arbitrator, if necessary. Under the amendment carried yesterday, compensation could be claimed not for loss suffered by reason of the disaster (strike, fire, flood, or anything else) but only for loss as a result of or while complying with any such regulation. A claim could be made only where a person had suffered a loss as a result of compliance.

If a person actually suffers loss as a result of compliance with the regulations under the Bill, who should bear the loss —the subject, or the Government that causes it? I asked the question of the Minister last week, but it has not yet been answered. The purpose of the Bill is to give the Government power to act in emergencies, to protect the interest of all taxpayers. I therefore suggest that all taxpayers, not just the person directed to comply, should meet the cost.

I hope the Hon. Mr. Creedon will support me in this. As the Hon. Mr. DeGaris said yesterday, he talks a great deal about equality. Surely, a loss suffered by a person directed to comply with a regulation for the benefit of taxpayers at large should be borne equally by all taxpayers and not just by the person who has suffered the loss. The amendment carried yesterday took away the right to claim losses caused through freezing or rationing of goods,

and that amendment does not go as far as the Victorian provision. It has been said that that amendment could spell financial disaster for the State, but claims can arise only out of the exercise of those powers, and some regard could be had to likely claims before such powers were exercised.

I have already suggested that, if the fear of paying compensation had some dampening effect on the exercise of the very wide powers given, that might not be a bad thing. I think the extent of claims likely to be payable has been greatly exaggerated. It has been suggested that, if my amendment remains, the State might go bankrupt. If it does not remain, many individuals could be sent bankrupt by Government action against which they would have no redress; that, to me, is an even more serious thing. It is alarming and even sinister that the Government has persistently refused to commit itself to any kind of compensation. The Minister's words yesterday (and obviously they were prepared and considered words) showed this. The Hon. Mr. Cameron said that, if the Government was not happy with the amendment, it should put forward an alternative. It is alarming that it has not done so. I oppose the present amendment on the ground that it does not go far enough.

The Hon. G. J. GILFILLAN: It is not often that I find myself disagreeing with the Hon. Sir Arthur Rymill.

The Hon. Sir Arthur Rymill: You mean the Hon. Mr. DeGaris, don't you?

The Hon. G. J. GILFILLAN: I could include the Hon. Mr. DeGaris, too. On this occasion I support the Hon. Mr. Burdett very strongly. He has met some of the objections to his original proposal, and I would not like to see any further concessions made in lessening the protection to the people who might be affected by Government moves. The longer I study this Bill, the less I like it. We are taking a grave step in passing this legislation at all, even with the amendments that have been inserted as safeguards. In the final analysis, our courts could be the last safeguard for the average man in the street against undue pressure through Government action. I believe the Hon. Mr. Burdett's amendment was justified, and I should like to see no less a safeguard to the public than he has proposed, and I support his amendment.

I can perhaps suggest a different reason from that suggested by the Hon. Sir Arthur Rymill for the Minister's not calling for a division yesterday. If the Hon. Mr. Burdett's amendment had been lost yesterday we would have been back to the original situation that prevailed before the message was sent to the other place, and then we would have had to consider the Hon. Mr. DeGaris's amendment, if it had been moved. However, that is purely a hypothetical argument, because only the Minister knows what is in his mind, and he has not divulged very much during this debate. The least we can do to protect the public is to support strongly the amendment that was moved by the Hon. Mr. Burdett.

The Hon. R. C. DeGARIS: It is almost up to me to explain some of the matters that have been mentioned. The Hon. Sir Arthur Rymill has been referring to the Hon. Mr. DeGaris's amendment. At this stage, I am only too pleased for the Hon. Sir Arthur Rymill to have it. Perhaps I should explain how the position arose. In Committee, the Hon. Mr. Burdett placed in the Bill a compensation clause, and I believe the only control of the absolute powers the Government has is to write into the Bill the question of compensation. At least that is a stricture on the Government if it exceeds the reasonable powers it may require to cover an emergency situation. I supported the concept that this Bill should have some compensation clause. When I looked at the Hon. Mr. Burdett's amendment, I said that I believed the Minister, in opposing that amendment, had one small point in his favour: that I did not believe that a person should be entitled to compensation where the loss suffered was not directly as a result of the Government's regulations. For example, a person who lost business through the rationing of petrol should not receive compensation for loss of profit or loss of sales.

The Hon. Sir Arthur Rymill: That is one of the weaknesses of the first amendment.

The Hon. R. C. DeGARIS: True. On the other hand, I agree entirely with the Hon. Mr. Burdett that a person who is forced to remain open and to maintain and pay staff, and who, because of the rationing of his supplies, cannot make a profit should be compensated by the Government for the loss.

The Hon. Sir Arthur Rymill: But your amendment deals with that.

The Hon. R. C. DeGARIS: I do not think it does.

The Hon. Sir Arthur Rymill: It is a requisitioning of services.

The Hon. R. C. DeGARIS: No, it is not. The person still owns the goods he has: there is no requisitioning. All the Government says is, "You have a supply; that supply is frozen and you can sell only (if it is petrol, say) 450 litres a week." However, at the same time that person is charged with remaining open and keeping on his staff.

The Hon. Sir Arthur Rymill: That is a requisitioning of services.

The Hon. R. C. DeGARIS: I do not think it is. I looked at this matter and started to draft an amendment, but I found I was not quite good enough to draft the amendment I wanted. However, I left the amendment I had on file. The Hon. Mr. Burdett, being much more able than I am in drafting, came up with an amendment that covered the matter I was working on. Therefore, I was prepared to support the Hon. Mr. Burdett's amendment, but I put my amendment on file in case that amendment was not carried, in which case we could then fall back on mine as a second string. However, I think the original amendment that we have passed goes a little too far.

I return to the concept of compensation. As I have already pointed out and asked in some questions I have directed to the Minister, this Bill enables the Government to proclaim regulations that cut across every Act on the Statute Book, including the Constitution Act and the Supreme Court Act, with the regulations made thereunder. That is a very wide power. The correct method of controlling this power is to have written into the Bill the need for the Government to pay compensation when the regulations demand certain things from certain people that will involve those people in loss. That is a vital provision in a very dangerous Bill.

The Hon. T. M. CASEY (Minister of Agriculture): It seems to me we have a spill-over on. the other side. Apparently, the Leader of the Opposition had intended to move his amendment but reluctantly decided otherwise.

The Hon. R. C. DeGaris: Not reluctantly.

The Hon. T. M. CASEY: That was the term that Sir Arthur Rymill used.

The Hon. Sir Arthur Rymill: But that was only my opinion.

The Hon. T. M. CASEY: I was only stating what the honourable member said. That causes me some concern about what is happening on the opposite side of the Chamber; I am worried about what will happen to other

members of the Leader's Party. Of course, I did not know there was a Party opposite; I thought it was said to be a House of Review. It has been confusing for the past 15 minutes to follow exactly what members opposite are really thinking. However, to put the issue in its proper context, I assure honourable members that the Government cannot accept the amendment.

The Hon. Sir ARTHUR RYMILL: As I seem to have, no hope of having my amendment carried, I ask leave to withdraw it.

Leave granted; amendment withdrawn.

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 13. Page 391.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When speaking to this Bill on March 27 of this year, I pointed out that it did three things, or rather that the Government gave three reasons for the Bill's introduction. First, it changes the name of the authority from "Natural Gas Pipelines Authority" to "Pipelines Authority of South Australia". I do not object to this change of name. Nevertheless, the changed name may give some lead to the future policies the Government may see fit to follow. Secondly, the Bill widens the definition of "petroleum". Thirdly, it removes the right of certain representation on the authority. I should like to quote from the reply (I suppose it is) to the speech on the second reading that I made on March 27. The reply was given by the Acting Minister of Lands on behalf of the Minister of Development and Mines (Hon. D. J. Hopgood). It is as follows:

> Several important developments have occurred since this measure was introduced into the Council in the last session of Parliament. The legislation was, in fact, introduced with a view to facilitating these developments, but it was not possible to obtain its passage at the close of the last session.
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> The developments envisaged have now come about and, while the present state of the Act has not proven an insuperable obstacle, the amendments will greatly assist in tying up what loose ends remain. The Hon. Mr. DeGaris, in speaking to this Bill on March 27, 1974, placed the burden of his comment on the fact that the producers would, if the measure passed into law, be denied representation on the authority, despite the fact that they would continue to carry the financial burden for the development. The Hon. Mr. DeGaris stated: "In my opinion, the producers have a right to representation, if for no other reason than to have some say in the exercise of proper control over expenditures. The expenditures on the pipeline are wholly the responsibility of the producers."
>
> As a result of the developments that have taken place since that time, that is no longer the case and as a result the whole argument falls to the ground.

That is in relation to my argument that the producers had a right to representation because they would have some say in the exercise of proper control over expenditures, as the producers were wholly responsible for expenditure on the pipeline. The Minister's reply continues:

> Under a new agreement which has been entered into by the producers and the Government, the Natural Gas Pipelines Authority has become the monopoly purchaser of all methane produced on the South Australian field. A field gate price of 24c per million British thermal units has been established to operate from May 1 this year. The authority in turn is selling the gas to the primary consumers, South Australian Gas Company, the Electricity Trust of South Australia, and certain industrial establishments, and is responsible for all future developmental expenditure.
>
> As part of a *quid pro quo* the producers have agreed to review their exploration commitments and to enter into an agreement whereby they will spend $15 000 000 on exploration for new gas in the Cooper Basin over a five-year period, with a minimum of $2 000 000 spent in any one 12-month period. Agreement has been reached by the Mines Department as to the specifics of the first year's programme.
>
> In the light of all these developments, I would submit that the arguments raised in the Council when the matter was first introduced are no longer relevant. Concerning membership of the board, it is possible that somebody intimately associated with the producing interests will serve on the reconstituted authority, but this will not arise as a matter of right but as a matter of convenience.

My first question to the Minister in the light of the new information that has come to us since I spoke on March 27 is: has this new agreement between the producers and the Government been signed? Also, is there in existence any document to show that an agreement has been reached between the producers and the Government? Or, is there at this stage only a verbal arrangement between the producers and the Government? I notice the Minister's words, "A new agreement . . . has been entered into." I should like more information on the agreement. Is it only verbal, with nothing binding involved, or is there a document binding the producers? The main parts of my speech on March 27 related to the question of producer representation on the authority, which now, according to the Minister's explanation, appears to have assumed less importance. Nevertheless, there were other matters to which I referred in that speech. The Minister referred to those other matters in his reply, as follows:

> The other matters in the Bill were rather less contentious and largely relate to the necessity in the future for the legislation to cover the carriage of liquid hydro-carbon and processed materials. At this stage no decision has been taken as to whether the authority should purchase liquid hydro-carbons on the field.

On March 27 (at page 2770 of *Hansard*) I said:

> By way of general comment on the effect of clause 10, I draw attention once again to the statement of the then Premier (Mr. F. H. Walsh) in his second reading explanation of the original Bill where he indicated dearly that section 13 of the principal Act was designed to equate the authority as far as was practicable to a common carrier of gas through its pipeline. The Bill before us constitutes a fundamental departure from this concept. That there is in existence an authority which will act as a common carrier is an essential element in the incentive to further petroleum exploration in South Australia and adjoining regions. Without that assurance to deliver petroleum products to market, additional complications will be introduced in any attempt to promote further exploration activity in South Australia.

I notice that the Minister says, "At this stage no decision has been taken as to whether the authority should purchase liquid hydro-carbons on the field." Once again I ask the Minister: what is the position relating to the carriage of liquid hydro-carbons? Have the producers any say in this matter? Have they any guarantee that liquid hydro-carbons will be carried in the pipeline? Will the pipeline authority be, in effect, as the late Mr. Walsh said, a common carrier? It may be an essential element in the incentive to further petroleum exploration in South Australia. Other matters were touched on, too.

This Bill may give wide powers in relation to other lines carrying petroleum or any other hydro-carbons in South Australia. I should like some undertaking given or more research done regarding the position of the existing pipeline from. Birkenhead to Port Stanvac. What other pipelines have companies in South Australia constructed and used? What is the position regarding lines carrying gas in the metropolitan area? What is the position regarding lines carrying gas in other cities and towns in South Australia? This is still a hazy area, and I am concerned about the very wide powers that this Bill gives to the authority or to the Government. So, while the Minister refers to rather less contentious matters raised in my

speech on March 27, I believe that some explanation is still due from the Minister in relation to other matters. I hope other honourable members will take up this point and also contribute to the debate concerning the width of the powers in relation to other lines that carry hydrocarbons in South Australia. Apart from those points, I support the second reading.

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

SUPPLY BILL (No. 2)

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

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

That this Bill be now read a second time.

It provides $100 000 000 to enable the Public Service to carry out its normal functions until assent is received to the Appropriation Bill. Members will recall that it is usual for the Government to introduce two Supply Bills each year. The earlier Bill, also for $100 000 000, was designed to cover expenditure for about the first two months of the year. The Bill now before the Council is expected to be sufficient to cover expenditure until the latter part of October, by which time debate on the Appropriation Bill is usually complete and assent received. This short Bill, which contains no details of expenditures to be made, nevertheless does not leave the Government or individual departments with a free hand to spend. Clause 3 ensures that no payments may be made from the appropriation sought in excess of those individual items approved by Parliament in last year's Appropriation Acts and other appropriation authorities.

The Hon. R. C. DeGARIS (Leader of the Opposition): As the Minister has said in his second reading explanation, this is the normal Bill that comes before the Council at this time each year to enable the Government to carry out its functions until assent has been received to the Appropriation Bill. The Bill has just been placed on honourable members' tables. I intended to seek to have the matter adjourned if copies of the Bill had not been presented to honourable members. However, copies have now been circulated and, as far as I can see, there is nothing wrong with the Bill. However, I make the point that, although the Opposition is willing to allow Standing Orders to be suspended where some urgency is attached to a matter, it is reasonable for honourable members to expect a Bill to be on their tables before the second reading debate proceeds. As this is the normal Bill that comes before the Council each year, I support it.

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

ADJOURNMENT

At 4.2 p.m. the Council adjourned until Tuesday, August 20, at 2.15 p.m.