LEGISLATIVE COUNCIL

Wednesday, March 12, 1975

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

QUESTIONS

FEMALE TITLE

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking questions of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. R. C. DeGARIS: It has come to my attention through the press and in other ways that the Premier's Department has issued the following circular:

In connection with International Women's Year, the Premier has announced that State Government departments are no longer to use the prefixes "Miss" or "Mrs." when referring to or addressing women. The prefix "Ms" is to be substituted in both cases. All records are to be altered as soon as possible. Pronunciation seems to vary, but it is suggested that "Ms" be pronounced phonetically as is the terminal "ms" in plu"ms" rather than "Mizz".

The Hon. T. M. Casey: That is making it difficult for *Hansard*!

The Hon. R. C. DeGARIS: It is. My question is directed to the C stroke S representing the P stroke R in the L stroke C. Will the C stroke S ask the P stroke R if he would consider a new address to apply to both males and females in S stroke A to overcome the sexist, discriminatory and improper practices as outlined in the *Advertiser* by the P stroke R this morning? Will the C stroke S ask the P stroke R if he will consider conducting a State-wide competition for a suitable unisexual title, offering a satisfactory prize for the best entry? I suggest that there should also be another prize for the neatest correct entry.

My next question relates to the staff of the Public Service working in Parliament House. My secretary is a public servant. I object to addressing my letters to "Ms" as in plu"ms". I ask for a direction whether I have the right to override the circular as far as my secretary is concerned, or whether she has to conform to the ridiculous edict issued by the Government?

The Hon. A. F. KNEEBONE: As this is a policy matter, I suggest the Leader put the question on notice.

SITTINGS AND BUSINESS

The Hon. C. R. STORY: My question is directed to the Chief Secretary, and it refers to the sittings of Parliament and the legislative programme for the rest of the year. First, is it the intention of the Government that this session of Parliament should conclude before Easter and that it will be a prorogued session; secondly, will there be a new session of Parliament with an official opening some time in June?

The Hon. A. F. KNEEBONE: It is the intention of the Government, if it is at all possible, to conclude the present session on Holy Wednesday rather than on Maundy Thursday. We will come in on the Wednesday and we hope to finish that session then so that we do not have to start a new sitting on the Thursday. Although it has not happened in recent years, we have sometimes sat right through the night, finishing up the next day. I hope that will not happen on this occasion, but if it did, and if we came in on the Thursday before Easter we would find ourselves sitting on Good Friday, which I do not think anyone would wish. That is what we are attempting to do. There is much work yet to be done, but I compliment members on the effort put in yesterday, when we did a considerable amount of work in a short time. I appreciate the efforts made on that occasion.

Since I have been Leader in this Council, I have said that when there is work to be done we will do it. If there is still work remaining when we get near the normal adjournment time for the day, honourable members will have to expect to sit after dinner. That is the only way in which we can circumvent the (I will say) stupid arrangement whereby we used to sit through the night. One thing that has helped us in this respect is that, on several occasions when there has been a managers' conference between the houses, we have arranged for the conference to take place outside of sitting hours rather than during sitting hours. It is necessary to suspend Standing Orders to enable this to be done. However, that has helped considerably in obviating the need to sit through the night. We hope to finish before Easter, and we will meet again in June. As I understand it, that will be the beginning of a new session with an official opening and we will be doing as we used to do years ago when we come back for three days on this occasion; then, I understand, the session will get into full swing in July.

LOCAL GOVERNMENT GRANTS

The Hon. R. A. GEDDES: I wish to direct a question to the Minister of Agriculture, and seek leave to make a short statement.

Leave granted.

The Hon. R. A. GEDDES: In the country edition of last Friday's *Advertiser* there appears a report concerning grants of moneys made to northern councils by the Commonwealth Government. One line in the report states that the amount includes the sum of $12 000 to cover consultants' fees to investigate wireless networks for civil defence, fire fighting and other purposes. However, there is no reference to which councils will get this money. All the other grants nominate Wilmington, Melrose, or other named councils. Because of the great interest of fire fighters and civil defence workers in these areas, can the Minister ascertain who is to get the $12 000, who the consultants will be, and how long it will be before results can be achieved?

The Hon. T. M. CASEY: I will attempt to obtain the information for the honourable member as soon as possible.

RELIGIOUS EDUCATION

The Hon. R. A. GEDDES: Will the Minister of Agriculture ascertain from the Minister of Education, first, how many teachers are available for the teaching of religious education in departmental schools this year and, secondly, how many departmental schools will not be giving religious education lessons this year?

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

MINING ACT AMENDMENT BILL (LICENCES)

The Hon. R. C. DeGARIS (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Mining Act, 1971-1975. Read a first time.

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

That this Bill be now read a second time.

Recently, a Bill to amend the Mining Act was passed by this Council. The Bill was drafted by Mr. Edward Ludovici as

part of the consolidation of Statutes presently being undertaken. An instruction was sought by the Hon. A. M. Whyte to include in that Bill the amendments which are proposed in this Bill. At the request of the Government, the Parliament did not proceed with the proposed amendments. The Bill proposes two changes to the Mining Act. In the granting of an exploration licence or a mineral lease, the amendments provide that, when gazetted, a map be included showing the boundaries of the exploration licence or the mineral lease and significant landmarks on or near the boundaries.

As regards a miscellaneous purposes licence, the amendment proposes that, 28 days before he grants such a licence, the Minister publicise the purpose for which he proposes to grant the licence and publish maps (a similar provision to that required for exploration licences and mineral leases). The second amendment requires that a mining operator shall give notice to the owner of pastoral lands that he intends to enter upon his lands.

Clauses 1 and 2 are formal. Clauses 3, 4 and 5 deal with the new provisions relating to the granting of exploration licences, mineral leases or miscellaneous purposes licences. Clause 6 requires that the mining operator shall give notice of entry on to pastoral lands. I hope that the Government, on examining these amendments, will agree to their passage and assume responsibility for their passage in another place.

The Hon. A. M. WHYTE (Northern): In supporting what the Leader proposes, I believe that the Bill is necessary so that people will know exactly where in the State a new mining project may be commenced. At present, this matter is far too sketchy, and one has to go to the Mines Department to ascertain the location of a proposed new mining enterprise. The second aspect of the Bill relates to the amendment which I had had drafted previously and which I had requested the Council to incorporate in the previous legislation before the Leader introduced his Bill. All the provision does is to obligate a person entering a property with a miner's right or permit to extend the courtesy to the landowner of letting him know that he is going prospecting on the land.

It does nothing more than that and it in no way restricts entry to a property. At least 90 per cent of miners who intend entering a property to prospect go to the homestead and say, "I am going 8 kilometres or 32 km west to prospect for a certain mineral or precious stone". Provision is made in the Bill to enable certain areas to be exempted by the Minister. This provision is necessary, because in areas such as Coober Pedy and Andamooka, where pastoral leases are being prospected almost every day, it is pointless that every prospector should contact the homestead; in fact, the prospector would be a nuisance if he did so.

All I ask is that a person who enters a pastoral lease for prospecting should inform the owner or manager that he is on the property, for two reasons. First, it is not difficult for a station man to locate the miner's camp to see whether he is in ill health, pinned under a vehicle, or in any other way disadvantaged. Secondly, it gives the property manager warning that this man is going into a certain area and he is able to advise him where best to camp for the mutual benefit of both. I support the Leader's Bill.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

PETROL TAX

Adjourned debate on the motion of the Hon. A. M. Whyte:

That, in the opinion of this House—

(1) The Government should urgently consider promulgating regulations under section 35 of the Business Franchise (Petroleum) Act, 1974, to remove the burden of the petroleum tax on fuels (with the exception of petrol), used by primary and secondary industries; and

(2) The Government should further consider the promulgation of regulations under section 35 of the Business Franchise (Petroleum) Act, 1974, to remove the burden of the petroleum tax on any fuels used in primary and secondary industries.

(Continued from March 5. Page 2676.)

The Hon. A. F. KNEEBONE (Chief Secretary): I have listened with much interest to the honourable members who have spoken on this motion. As usual, the Hon. Mr. Whyte was sincere in his attempt to assist the rural sector of his constituency.

The Hon. A. M. Whyte: Rural and secondary.

The Hon. A. F. KNEEBONE: Your main interest is in regard to the rural sector.

The Hon. D. H. L. Banfield: That's what the honourable member emphasised.

The Hon. R. A. Geddes: Read the motion.

The Hon. A. F. KNEEBONE: I read the motion, but I also listened to the speeches that were made, because some honourable members did not keep to the motion when speaking in this debate. However, I cannot say the same for the Hon. Mr. Hill as I said about the Hon. Mr. Whyte. Mr. Hill used this debate for purely Party-political attacks on the State Government.

The Hon. C. M. Hill: Aren't you concerned about unemployment?

The Hon. A. F. KNEEBONE: I am, as I will tell you later on. Even the honourable member's contribution in this debate would not be described as one of his best efforts. His dire forecast about greater unemployment for February was proved wrong. That forecast was proved false when the figures were released on the same day that the honourable member made his prediction.

The Hon. C. M. Hill: The following day the seasonally-adjusted figures were released.

The Hon. F. J. Potter: They were worse.

The Hon. A. F. KNEEBONE: I agree that unemployment has been bad, but I honestly believe that the worst has passed. Firms that were panicked into dismissing employees indiscriminately by the calamity howlers and panic merchants have now commenced to re-employ workers. I refer to Simpson Pope Limited, which has started to re-employ workers only one month after they were retrenched. I remember that when the Premier was pressurising the Australian Government to do something to stall-off dismissals of workers in the motor vehicle industry, and supporting industries, we heard the Leader of the Opposition in another place calling for the Government to put off public servants in similar proportions to the retrenchments in the private sector. Despite such sabotage of the Premier's efforts, the Premier was successful in obtaining from the Australian Government action that resulted in the stalling-off of dismissals in that instance. Opposition members are still calling for retrenchments in the Public Service, as indicated by their speeches on this motion. This Government was the first of the State Governments to point out to the Commonwealth Government that the Regional Employment Development scheme was not being as effective as it was hoped to be in relieving unemployment.

The Hon. R. C. DeGaris: What has that got to do with the petrol tax?

The Hon. A. F. KNEEBONE: The Leader has referred to unemployment in relation to the petrol tax. As I said previously, honourable members did not stick to the motion. My department, which so successfully handled the previous unemployment relief scheme in this State, prepared a submission for the Premier seeking a similar type of operation to be run in conjunction with the Regional Employment Development scheme. Honourable members will remember how well the previous scheme ran, and I thank the Hon. Mr. Hill for his reference to it, when he said that this Government had acknowledged the need that existed at that time.

The Hon. R. C. DeGaris: If there was a good Government in office, we wouldn't need the RED scheme.

The Hon. A. F. KNEEBONE: The Leader should not talk that kind of drivel. As all members know, during the years that the Liberal Government was in office in the Commonwealth Parliament (during and before the term of office of Sir Robert Menzies), the only cure for inflation was to bring about a great unemployment pool. The Leader should not therefore make statements like that.

The Hon. R. C. DeGaris: We didn't have 300 000 people unemployed.

The Hon. A. J. Shard: On a population basis, you were worse and, what is more, you know it!

The PRESIDENT: Order!

The Hon. D. H. L. Banfield: What about in Tasmania?

The Hon. C. M. Hill: The position in 1961 was nothing compared to today's situation.

The Hon. A. F. KNEEBONE: The old boom and bust days!

The Hon. A. J. Shard: Who was in Government in 1932?

The Hon. M. B. Dawkins: You were!

The Hon. A. J. Shard: No, we weren't. Have another think.

The Hon. M. B. Dawkins: We got back in 1933.

The PRESIDENT: Order! Continued interruptions are not permitted, and I call for order. I do not want to go any further than appealing for order. The honourable the Chief Secretary.

The Hon. A. F. KNEEBONE: As a result of that submission by the Premier, the Commonwealth Government has made finance available to the State, and already under that scheme, which is running parallel to the Regional Employment Development scheme, many people have been employed on various projects. Honourable members will recall how that scheme worked previously. Much work was done in some councils and semi-governmental areas, as well as in the private sector, with the assistance of that finance.

Already, we have the Opposition asking on the one hand for stimulation in the private sector (the Hon. Mr. Hill having referred to this aspect), whereas on the other hand it calls for less Government expenditure on capital works. We are asked not to proceed with the letting of contracts on certain projects. How will this assist the private sector? It will not help it at all.

The usual attack was made on the media monitoring service, it being stated that, if this was closed and its staff dispensed with, much expenditure, presumably on wages, would be saved. Actually, the monitor has been operated until now by only one employee, and he doubles as my press secretary. A major saving indeed! I also inform Opposition members who, in their usual form of being inconsistent, asked for the service to be extended so that they could participate in it—

The Hon. M. B. Cameron: That's nonsense. We didn't ask for it.

The Hon. A. F. KNEEBONE: It was asked for by the Leader of the Opposition.

The Hon. M. B. Cameron: He is not the whole Opposition.

The Hon. A. F. KNEEBONE: Opposition members—

The Hon. M. B. Cameron: Some Opposition members!

The Hon. A. F. KNEEBONE: The Leader of the Opposition asked whether the service could be extended to the Opposition, and I said, "Yes".

The Hon. R. C. DeGaris: No, you said, "No".

The Hon. A. F. KNEEBONE: Subsequently, I said, "Yes". I said that facilities would be provided in the Parliamentary Library for the reproduction of tapes. The Leader should look up what I said.

The Hon. R. C. DeGaris: That is right: for Government members but not for Opposition members.

The Hon. A. F. KNEEBONE: It was also for Opposition members, and in the next couple of weeks this will be an accomplished fact. The honourable member, in moving his motion, has said that it is in two parts, thereby giving the Government the option of adopting one part, which would remove the impost of 6c a gallon on fuel, which was legislated for in November. I mention in passing that the 6c a gallon on fuel to which he referred in fact varies according to the type of fuel, and draw his attention in this regard to the notice published in the *Government Gazette* of December 12, 1974. The honourable member has said that this motion is worded in such a way that it does not refer to petrol used for pleasure and, if necessary, perhaps the petrol tax could remain on such usage. In other words, he is, in both parts of the motion, seeking to exempt only certain sections of the community, namely, primary and secondary industries. It would be impracticable for sellers or resellers to be placed in a position whereby they would have to differentiate in this manner: it would mean that they would have to distinguish the purpose for which the petroleum product would be used.

This tax was imposed only with extreme reluctance and, rather than in some way trying to exempt from the tax base fuel purchased by primary and secondary industries, the Government is anxious to remove the tax from all persons. To achieve this object, the Government would require additional financial assistance from the Australian Government to the extent raised by these measures on a continuing basis. Although the Government has received assistance totalling $22 900 000 from the Australian Government as a result of the February Premiers' Conference, the main object of these funds was to stimulate the economy and relieve unemployment. The Revenue Budget was assisted by an amount of $6 600 000. This amount is far short of the revenue to be raised from the petroleum and tobacco taxes, which is expected to be approximately $20 000 000 in a full year. As members are aware, the Treasurer has had, and is continuing to have, discussions with the Australian Government with a view to making financial arrangements which would permit the State to remove the petrol and tobacco taxes. Until suitable arrangements can be concluded, the present taxing base must be maintained.

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

DISTINGUISHED VISITOR

The PRESIDENT: I notice in the gallery a distinguished visitor in the person of Lord O'Neill of the Maine, P.C., N.I., member of the House of Lords and former Prime Minister of Northern Ireland. I ask the Chief Secretary and the Leader of the Opposition if they will escort Lord O'Neill to a place in the Chamber.

The Hon. Lord O'Neill was escorted by the Hon. A. F. Kneebone and the Hon. R. C. DeGaris to a seat on the floor of the Council.

MEDIBANK SCHEME

Adjourned debate on motion of the Hon. R. C. DeGaris:

That, in the opinion of this Council, the acceptance by the State of the Commonwealth Government's proposals under the Medibank scheme will:

(1) jeopardise the efficient delivery of health services in South Australia;
(2) seriously affect the existing efficiency of the subsidised, community and private hospitals;
(3) generally reduce the standard of health services in South Australia; and
(4) produce inequalities and inequities in the provision of health services to different sections of the South Australian community.

(Continued from March 5. Page 2687.)

The Hon. C. M. HILL (Central No. 2): When I sought leave to conclude my remarks on Wednesday last, I had not had a complete opportunity to study the reply given in this debate by the Minister of Health. I said then that I wanted to look at one or two detailed matters that had arisen by interjection. I have studied the Minister's contribution, and I must say that I am not particularly impressed with the material he presented. In my view, he has admitted in his address that he has some misgivings about the matter that is the subject of the motion.

Honourable members will recall that the motion refers to the fact that the efficiency of our health services in South Australia and the standards of hospitalisation will deteriorate as a result of the Minister's and the Government's acceptance of the Medibank scheme. In his reply, the Minister said, among other things:

Possibly some members of the public may abuse the privilege.

That was the privilege of free services. He went on to say:

There could be a greater demand for the existing services which could marginally affect the quantity of services available to those who previously could afford to be insured for medical benefits.

So, there is some doubt about what the future holds, and I think the motion before us has gathered up all the concern that one hears in the public arena about the scheme and its future; there is absolutely no doubt that members of the public are most concerned about the future standard of health services, especially health services within hospitals.

I referred last week to the concern raised by members of the public about the loss of freedom of choice by patients. When dealing with this matter of freedom of choice in relation to hospitals, the Minister, by interjection, asked me to enlarge on the point. It would appear to me that the facts as we now know them indicate that a person who previously has received attention in a certain hospital and who, quite understandably, seeks, when needing hospital care, to go back to that same hospital might find in future that so many beds of that hospital have been changed to the standard bed system that the private facilities in the hospital have been considerably decreased.

If that were so, it might not be possible for that patient to obtain a bed in the hospital of his own choice. Although I think the Minister yesterday made his position clearer on this point, it seemed to me that if a patient sought the services of a surgeon who might have attended him in a previous operation, and if he wanted to go to the hospital where he had been a patient previously, the patient might find that, under the new arrangement, the surgeon had become grouped or tied to another hospital or to other private hospitals. I was under the impression, that, in those circumstances, the patient might not be able to receive the services of that surgeon, and that in fact he might have to change hospitals.

I think everyone would agree that this would be a restriction of the freedom of choice which, in this whole area as well as in other areas, we on this side treasure most dearly. Yesterday the Minister indicated that, in the second instance I quoted, the surgeon could attend the patient in a hospital although that might not be the hospital to which the surgeon was tied under the proposal.

That may be so for the present, and it may be so in the relatively short term after July 1, the date of the introduction of the Medibank scheme, but can the Minister give any assurance about what might happen in the longer term? We who are concerned about the measure are not only looking at the short term: we have a responsibility to look also at the long term. When we ponder this question, I think we must appreciate the predicament in which the Minister finds himself.

No agreement has as yet been signed. Whether or not an agreement has yet been drawn up and approved I do not. know, but it is difficult for the Minister to give watertight undertakings on what the future holds when there is no fine print for honourable members (or, indeed, for the Minister himself) to peruse and to debate in this Council.

This all adds up to the doubts that have arisen, and because of those doubts the public, in my view, has no alternative but to express its fears and to judge and assess whether standards of health services will be reduced in this State in the future.

Leading on from the point that no agreement has yet been undertaken, I refer now to an issue not previously raised in the debate. What will happen if the other States that have not yet agreed to the scheme (and one has said, I believe, that it agrees in principle, so some negotiations must be going on) manage to force an agreement with the Commonwealth on Medibank more beneficial to those other States ultimately than is the agreement that apparently has been verbally entered into between South Australia and the Commonwealth Minister for Health?

The Hon. D. H. L. Banfield: Do you want the answer to that one now? I have not got a right to speak again.

The Hon. C. M. HILL: I do not want to prevent the Minister from answering any questions in this debate.

The Hon. D. H. L. Banfield: The answer is that it has been agreed that, if something better is negotiated by other States, it will apply also to this State. That fixes that up.

The Hon. C. M. HILL: It fixes it up to that point. I am pleased to hear the Minister say that if, for example, Queensland, New South Wales, Victoria, or Western Australia (those States who are sceptical about the scheme and which have not come to a verbal agreement, as South Australia has done) manage to finalise arrangements more advantageous to them than the present scheme is to South Australia, those benefits will accrue to us. However, it highlights the point that in many ways the Minister's reply in the debate is not final. He cannot tell us exactly what is in store for South Australia, because he does not know.

The Hon. D. H. L. Banfield: I told you we are still negotiating.

The Hon. C. M. HILL: I accept that the matter is still under negotiation, but unless ultimately we know the final agreement the position of the Minister and the very base on which we discuss this question are made most difficult. Finally, I come back to the matter I raised on Wednesday last. Parliament should have a full-scale debate on whether or not South Australia should enter this scheme, when the Minister can tell us the exact terms of the agreement. He will not know that until further time passes and negotiations are conducted between the other States and the Commonwealth Government. When that time comes and we all know exactly what we are talking about, the Minister ought to bring the -matter before Parliament, which ought to be given the opportunity of debating whether the scheme is in the best interests of every South Australian citizen. I believe it was right and proper for this motion to be introduced, and I support its purport, namely, that the scheme will adversely affect hospital standards in this State. I support the motion.

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

ROAD TRAFFIC REGULATIONS: MITCHAM

Adjourned debate on motion of the Hon. C. R. Story:

That the regulations under the Road Traffic Act, 1961-1974, relating to traffic prohibition in the city of Mitcham, made on October 24, 1974, and laid on the table of this Council on October 29, 1974, be disallowed.

(Continued from February 26. Page 2567.)

The Hon. D. H. L. BANFIELD (Minister of Health): I listened attentively to what the Hon. Mr. Story said in support of this motion, and I discussed it with the Government, which has no objection to the disallowance of these regulations.

Motion carried.

CORONERS BILL

(Second reading debate adjourned on March 11. Page 2752.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Interpretation."

The Hon. J. C. BURDETT: I move to insert the following definition:

"legal practitioner" means a legal practitioner within the meaning of the Legal Practitioners Act, 1936-1972:

This amendment and later amendments provide that the State Coroner and the Deputy State Coroner shall be legal practitioners. I outlined the reasons for my amendments during the second reading debate yesterday. The amendments arose mainly from my doubts about clause 22, which gives very broad powers of procedure to the State Coroner in regard to the relevance of evidence. It seems to me after a discussion that this clause, which amounts to Rafferty's rules, would be satisfactory only if the State Coroner were a legal practitioner, trained in procedure, relevance, and the ordinary, broad, general, rules of evidence. Otherwise, an empire could be set up: the State Coroner could embark on all sorts of strange procedure and investigation and inform himself in ways that were not proper.

The previous City Coroner was a legal practitioner, but this Bill sets up a completely new code for coroners, and we cannot say what the Government will do in future if the Bill is not amended. If we are to accept the broad procedures and wide powers of investigation in clause 22 without any limitation, we must have someone as State Coroner who is trained to know what should be accepted in a broad sense as evidence, what should be relevant, and what procedures ought to be adopted. I am strengthened in my belief that my amendment is necessary when I look at the amendment foreshadowed by the Minister of Agriculture. I shall support that amendment, which gives the State Coroner a power, which he has not had for many years, to commit any person for trial on an indictable offence if he is satisfied on the evidence before him that the person ought to be so committed. If this power is given to the State Coroner, he should be a legal practitioner.

The Hon. T. M. CASEY (Minister of Agriculture): It was common knowledge that the previous City Coroner was a legal practitioner, and it is intended that the State Coroner will be a legal practitioner, too. The Government therefore has no objection to the amendment. I should like to state my personal view in regard to the Hon. Mr. Burdett's disinclination to agree to clause 22. I believe that that disinclination is rather a slur on people other than legal practitioners. The honourable member said that, if the State Coroner was a person other than a legal practitioner, that person might set up an empire to do certain things in his jurisdiction. That would not happen if the person was suitably chosen. I can see the honourable member's point: if the State Coroner was a legal practitioner he might have a different attitude to evidence than if he was not a legal practitioner. However, I cannot agree with the honourable member's opinion of clause 22. The Government accepts the amendment.

The Hon. J. C. BURDETT: Obviously, the ideal coroner would be a legal practitioner who was also a medical practitioner. This commonly applies in England, but such people are rare in Australia.

Amendment carried; clause as amended passed.

Clause 7—"Appointment of State Coroner."

The Hon. J. C. BURDETT: I move:

In subclause (1) to strike out "person" and insert "legal practitioner".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 8—"Appointment of Deputy State Coroner."

The Hon. J. C. BURDETT: I move:

In subclause (1) to strike out "person" and insert "legal practitioner".

This, too, is a consequential amendment.

Amendment carried; clause as amended passed.

Clauses 9 to 25 passed.

Clause 26—"Inquests and other legal proceedings."

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

(la) If, upon an inquest, a coroner considers that evidence given in the inquest is sufficient to put a person upon trial for an indictable offence, he may commit that person for trial and upon that committal shall have, in relation thereto, all the powers and duties that a justice has upon such committal under the Justices Act, 1921-1974; and in subclause (2) to strike out "A Coroner" and insert "Except as provided by subsection (la) of this section, a coroner".

At present, a coroner is required not to proceed with an inquest until the preliminary hearing of any criminal charges has been concluded, and the Bill proposes that this practice will continue. However, it occasionally happens that, although no charge has been laid, it is apparent by the end of the inquest that there must be such a charge and that a committal for trial must follow. The amendments will enable the coroner to commit for trial in such circumstances, thereby rendering unnecessary a preliminary hearing covering the same grounds.

The Hon. J. C. BURDETT: I support the amendments. Many years ago, the coroner had power to commit. However, the Coroners Act has not contained such a provision for some time. I am satisfied that the power is reasonable and that the present practice in general is likely to continue, namely, the coroner will rarely commit. The Bill and the present practice set up the coroner especially as an officer to conduct inquiries, and I am sure that much of his time will be taken up in inquiring into road deaths and in ascertaining the causes. Once the causes have been ascertained, there will be some possibility of preventing death, and that is something we would all like to see.

The emphasis is greatly on inquiry by the coroner, and I am sure that he will not go out of his way to commit people on indictable offences. However, there will, as the Minister has said, be the odd case when no committal proceedings have been commenced by the police or the Crown but in the course of the coronial inquiry it will appear to the coroner that a criminal offence has been committed and that someone ought to be indicted. If on an inquest a coroner considers that evidence given in the inquest is sufficient to put a person on trial, he must be satisfied that the evidence is sufficient to put a person on his trial.

It seems to me reasonable in such circumstances that the coroner should be able to commit, because, after all, the person would be committed for trial before the District and Criminal Court or the Supreme Court and stand trial before judge and jury, have the same opportunity to defend himself as a person committed by a magistrate or justice would have, and try to convince the jury that the onus of proof had not been established beyond all reasonable doubt. It will in no way disadvantage the person, who will be put on his trial in the same way as anyone else who is committed for trial. In many respects, it would be to the advantage of the person so committed, because he would almost certainly have seen the possibility of his being placed on trial and, therefore, would go to the expense of being legally represented before the coroner. If the coroner could not commit, the police would indict him, and he would appear before a magistrate on committal proceedings a second time and be represented a second time.

The amendments will avoid the duplication of proceedings. In a case where it does not appear that there is evidence to indict the person, but such evidence comes out in a coronial inquiry, it is common sense and avoids duplication of proceedings if the coroner has power to commit. I am sure that the coroner would not be hasty to commit but would take as his main task the task of inquiry. It makes sense that, where it is obvious on the evidence that someone ought to be committed for trial, he have this power.

Amendment carried; clause as amended passed.

Remaining clauses (27 to 35) and title passed.

Bill read a third time and passed.

INDUSTRIAL ORGANISATION (BUILDING LOANS) BILL

Adjourned debate on second reading.

(Continued from March 11. Page 2754.)

The Hon. C. W. CREEDON (Midland): I support this Bill. I know that most members opposite have indicated that they intend to oppose the second reading. I believe they are being unjust.

The Hon. R. C. DeGaris: We didn't say that.

The Hon. C. W. CREEDON: Governments have always made large sums available at different times to various community groups and business organisations as well as individuals, through subsidies. Members opposite have also stated that when an organisation makes a mistake it must redeem itself from the situation in which it finds itself. I agree that on many occasions that should be the case, but it is not always the case, and it is not always the attitude adopted by members opposite. As I said, many organisations are subsidised. For a long time farmer groups have been subsidised.

The Hon. R. C. DeGaris: Can you give me a precedent for this situation?

The Hon. C. W. CREEDON: Groups of all kinds have been subsidised. This situation might be a little unusual—

The Hon. R. C. DeGaris: It sure is!

The Hon. C. W. CREEDON: —but the Trades Hall is still a community asset, a centre of community activity, and a place that is used by many people for their own betterment and to further their own cause in the State in which they live. Not all the organisations using Trades Hall are profitable organisations, because it is difficult to make such organisations pay. Their kind of activity is the kind that normally banks are not anxious to support. True, Trades Hall has office space, and it has conference halls. Members opposite may say that conference halls should be a source of revenue, but they could not be said to be a guaranteed source of revenue. This point can be substantiated by considering the many general community halls and halls owned by sporting bodies, for which subsidies are sought from various sources to help with their upkeep.

The Trades Hall Managing Committee has done a great job in soliciting and obtaining substantial donations from employers and employees. It has tried to keep Trades Hall alive for the benefit of many people. Many people use this centre. I am told that the rents charged by Trades Hall are high, and that office space can be rented at much lower rates elsewhere in the community. One criticism could be that sufficient office space was not provided in the first instance. However, I can imagine the outcry that would have resulted if more funds had been sought to create a bigger building with more office space.

True, not all unions use Trades Hall; I believe that less than half the total number of trade unions do. Those not based at Trades Hall have their own office space and halls, and they use their own funds in order to maintain their own accommodation. Certainly, it is difficult to be responsible for the upkeep of two homes. Unions are not private business organisations seeking to make large individual profits: they are basically community organisations engrossed in the welfare of their members and, like the many community organisations that already receive Government support, they should also be able to obtain support if they find they are in trouble. Members opposite have gone to great lengths to explain their reasons for not supporting this Bill, and they have indicated that they will oppose the second reading.

The Hon. R. C. DeGaris: Would you support having a compulsory levy on all unionists to pay for Trades Hall?

The Hon. C. W. CREEDON: Like the Leader, I do not like compulsion. Members opposite have said that they would not like to see a foreclosure of Trades Hall occur, and they made some odd suggestions on how they thought it could be helped. I found the attitude of members opposite most strange. Indeed, in the short time I have been

a member of this Council I have noticed how they attempt to castrate the most important Government Bills and how they attempt (and often succeed) to impose their will over that of the elected majority. On such occasions members opposite have page after page of amendments in order to try to change the course of legislation. Yet on this occasion members opposite offer nothing concrete. I believe they are being hypocritical and are trying to hide behind a barrage of meaningless words, and that they sincerely hope for the demise of Trades Hall.

The Hon. D. H. L. BANFIELD (Minister of Health): I, too, support the second reading of this Bill.

The Hon. R. C. DeGaris: Are you closing the debate?

The Hon. D. H. L. BANFIELD: I did not introduce the Bill. This Bill is "to authorise the Treasurer to make a loan to the Trades Hall, Adelaide Incorporated, to make a loan or loans to any organisation or organisations representing employers, and for other purposes". True, the immediate object is for the Government to make a loan to the Trades Hall, Adelaide Incorporated.

The Hon. R. C. DeGaris: It's a gift, not a loan.

The Hon. D. H. L. BANFIELD: It is a loan, and it has to be repaid.

The Hon. R. C. DeGaris: It's a gift of interest.

The Hon. D. H. L. BANFIELD: It is a loan that has to be repaid. There is no gift made. This is a Bill to provide a loan to the Trades Hall, and that body must repay that loan to the Government.

The Hon. R. C. DeGaris: It is a gift of $500 000.

The Hon. D. H. L. BAN FIELD: I do not deny for one moment that it will provide a saving to the Trades Hall of a fair sum in interest.

The Hon. M. B. Dawkins: It's over $500 000.

The Hon. D. H. L. BANFIELD: I am not disputing the figure members opposite have put on it, but the money has to be repaid by the Trades Hall. As the Hon. Mr. Creedon has pointed out, the Trades Hall, Adelaide Incorporated, is a non-profit-making organisation. It is an organisation established to assist members in the community. I believe that everyone in the community has benefited as a result of the birth of the trade union movement. Honourable members opposite have benefited as much as anyone else in the community over the years as a result of the existence of the trade union movement in the community. Employers would not form themselves into organisations if they did not think there was some advantage.

The Hon. M. B. Dawkins: Why don't the unions support Trades Hall?

The Hon. D. H. L. BANFIELD: They have supported Trades Hall. Unions have already levied their members to the extent of $136 982.

The Hon. C. R. Story: Were these donations?

The Hon. D. H. L. BANFIELD: These were levies, and members were not compelled to contribute. However, a levy of $2 a head was sought from members through the Trades and Labour Council. As a result, the levy from 65 unions produced $136 982. Money was also raised from the sale of bricks (in this respect I am referring to the bricks that were sold to Trades Hall), to which some members opposite contributed.

The Hon. C. M. Hill: We did that to help.

The Hon. D. H. L. BANFIELD: That is so, and this raised $915. Donations from other than employers raised $8 673.30, and donations from employers raised $58 105. The people who made donations realised that this was a community-oriented body. They were pleased to be able to make those contributions, and the Trades Hall has appreciated the support of those concerned. I point out to those honourable members who say that trade unionists should support Trades Hall that they have already done so by the levy. The Hon. Mr. DeGaris said that there was no precedent for this assistance to be granted. However, there are two precedents: one goes back as far as 1882, when the Government made a grant of $1 000 to the South Australian Chamber of Manufactures.

The Hon. R. C. DeGaris: From 1882 to 1908.

The Hon. D. H. L. BANFIELD: Grants to the Chamber of Manufactures continued until 1908.

The Hon. R. C. DeGaris: But what for?

The Hon. D. H. L. BANFIELD: To assist it. In addition, that organisation was permitted to use rent-free accommodation. What was that for if it was not to assist it?

The Hon. R. C. DeGaris: It was for the establishment of industry. It was grant-in-aid.

The Hon. D. H. L. BANFIELD: This is to assist industry because, without trade unionists, we would not have industry. To enable it to get off the ground, a grant of over $80 000 was given to the Chamber of Manufactures. This happened as far back as 1882, and up to 1908.

The Hon. A. F. Kneebone: The interest on that sum, if it was charged, would be fantastic.

The Hon. D. H. L. BANFIELD: It would be much greater than the sum of $500 000 (I am not saying that that is the correct figure) which it has been suggested will be saved by Trades Hall. Those grants were made when money was scarce. I turn now to the situation obtaining in 1935, when the Government lent $100 000 to the Royal Agricultural and Horticultural Society. Originally, that sum was to be repaid by the society and the South Australian Chamber of Manufactures; $80 000 of the $100 000 would be deemed to be repaid after the society had made 58 annual payments of $200 each. Therefore, although a loan of $100 000 was obtained, it would have been deemed to be repaid after only $11 600 had been paid. That is not a bad sort of way of having something deemed to be paid.

The Hon. A. F. Kneebone: And paying no interest.

The Hon. D. H. L. BANFIELD: Interest was paid on $10 000. That is merely a guess as, having paid only $11 600, the whole loan of $100 000 was wiped off. In 1935, when this $100 000 loan was obtained, a tremendous amount of interest (more than it is suggested Trades Hall will save now) would have been involved. How, then, can members opposite say that there have been no precedents and that the Government does not help organisations to get off the ground or out of trouble when they strike it? The Government has been doing this for years: indeed, it has been doing it since 1882, and it renewed its support in 1935.

As the Hon. Mr. Creedon said, many people look after certain groups in the community. I refer, for instance, to those who do such a wonderful job caring for our elderly citizens. From whom do they receive support? They get help from local government, the State Government and the Australian Government. It is nothing new for Governments to support various community interests throughout the State. This has been happening, for years and will continue to happen. Honourable members also know of people who care for the aged and infirm in nursing homes. From whom do they obtain support? They get it from the Government, not by way of loans but by straight-out

grants. If these people find that they are losing ground and cannot pay their way, to whom do they turn? They turn to the Government which is, in effect, spending taxpayers' money. The Government does not lend money to these people but gives them grants that do not have to be repaid. True, if the Government lends this sum of money to Trades Hall, interest will be saved. However, no savings will be effected in relation to capital expenditure.

The Hon. R. C. DeGaris: What about inflation?

The Hon. D. H. L. BANFIELD: Capital expenditure will still have to be repaid. This is unlike the loan that was made to the South Australian Chamber of Manufactures and the Royal Agricultural and Horticultural Society to which I have referred, not all of which had to be repaid. Indeed, slightly more than $10 000 of a $100 000 loan had to be repaid. Yet Opposition members condone the action of a former Government in making grants to other organisations and deeming a debt to be repaid after only 58 annual payments of $200 had been made off a loan of $100 000. The Hon. Mr. Hill and other honourable members have said that they have the interests of this State's workers at heart. Then they say, "We have been prepared in the past to assist the Chamber of Manufactures,' but we are not prepared at present to assist the Trades Hall with its financial problems."

The Hon. R. C. DeGaris: That is not the truth.

The Hon. D. H. L. BANFIELD: All right. The Hon. Mr. Hill said he could not support the trade unions. The Hon. Mr. DeGaris said he could not support the Bill. The Hon. Mr. Dawkins said he could not support the Bill. The Hon. Mr. Cameron said he could not support it.

The Hon. C. M. Hill: He is not here.

The Hon. D. H. L. BANFIELD: I do not care where he is. Those members said they could not support the granting of a loan of $200 000 to the Trades Hall. The Leader knows he said that but a little while ago he said he did not say that.

The Hon. R. C. DeGaris: No, wrong again.

The Hon. D. H. L. BANFIELD: Did the Leader say he could not support the Bill that gives a grant of $200 000 to the Trades Hall?

The Hon. R. C. DeGaris: Not from the taxpayer. That was not related to my interjection.

The Hon. D. H. L. BANFIELD: What was the relation—your mother-in-law?

The Hon. R. C. DeGaris: It is untrue that a grant was given to the Chamber of Manufactures in the same way as a grant is asked for here.

The Hon. D. H. L. BANFIELD: It does not matter which way it was given, whether it was sent through the post or taken down in cash. Those people received $100 000. It was given, and the Leader would have to agree that it was given. The Leader also would have to agree that the terms of the grant to those bodies were that they had to repay only $11 600. Would the Leader suggest that is not right?

The Hon. R. C. DeGaris: That is right.

The Hon. D. H. L. BANFIELD: The Leader agrees that the Chamber of Manufactures and the Royal Agricultural and Horticultural Society received $100 000 and had to repay only $11 600.

The Hon. R. C. DeGaris: That is right.

The Hon. D. H. L. BANFIELD: Very well. We are on common ground. Has the Leader any objection to that?

The Hon. R. C. DeGaris: No, not at all.

The Hon. D. H. L. BANFIELD: No objection whatever? What would be the sum today equivalent to the value of $100 000 in 1935?

The Hon. R. C. DeGaris: You are the inflation expert.

The Hon. D. H. L. BANFIELD: The Leader is already talking about inflation. Members opposite could easily work out what the Chamber of Manufactures and the R.A.H.S. have saved over the years and what they will continue to save for the rest of their lives because they do not have to make repayments beyond $11 600. They will be able to save the interest as well as repayment of the capital given to them.

The Hon. R. C. DeGaris: In relation to the Chamber of Manufactures, what you say is untrue.

The Hon. D. H. L. BANFIELD: The Leader just assured me it was true. I took him through it step by step. I asked whether he agreed that, in 1935, $100 000 was lent to the R.A.H.S., and he nodded his head. He is nodding now in agreement. I took him through the steps as to whether, under the original terms, the amounts given were repayable by the society and the Chamber of Manufactures. He also agreed there. I took him to the stage where one of the terms was that $80 000 of the $100 000 would be deemed to have been repaid after the society had made 58 annual payments of $200 each. Would the Leader agree that that was part of the terms? Very well. We are getting along famously. During the 58 years the society was required to pay interest on $20 000 only. Does the Leader agree with that?

The Hon. R. C. DeGaris: Yes.

The Hon. D. H. L. BANFIELD: All right. We have also agreed that they got a loan of $100 000, that they had to pay interest only bn $20 000 for a number of years, and that they had to repay only $11 600. Would the Leader agree that that is right?

The Hon. R. C. DeGaris: Yes.

The Hon. D. H. L. BANFIELD: Then where was I wrong? I took the Leader through the same steps previously, and he said it was delivered in a different way.

The Hon. R. C. DeGaris: I said that what you said in relation to the Chamber of Manufactures was untrue.

The Hon. A. M. Whyte: It still is.

The Hon. D. H. L. BANFIELD: Let us agree that the Leader nodded his head. He nodded in agreement and said publicly (and *Hansard* would show this) that he agreed that these loans had been made, that they did not have to be repaid, and now he is saying that what I said about the Chamber of Manufactures was not right. I do not know who is confused. Twice I took him through the process and twice he agreed with me. Having agreed for the second time, he now says that what I am saying is not correct.

For 10 years, beginning from June 30, 1936, the Chamber of Manufactures was required to pay $2 000 a year and after that 10 years, until the expiration of the society's lease of the showgrounds, the Chamber was required to pay in the year in which any industrial exhibition was conducted 10 per cent of the net profit of that exhibition as partial recouping of interest. Since there has been no industrial exhibition for some years, these payments have not been made. It was only necessary to set up an exhibition of some other type and not call it an industrial exhibition and they would not have to repay 10 per cent of the net profit. That has been going on for some time.

I ask members opposite to recall, when they may be saving the Trades Hall some interest over the period of the proposed loan, what was done back in 1882, what was done again in 1935, and what is still going on. If members opposite were prepared to assist the Trades Hall, and if they were genuine about it, how could they reconcile that with a letter signed by Steele Hall as Premier of South Australia in 1969? Some members opposite were in the Cabinet when this decision was made. Representations were made to the then Government to assist the Trades Hall. At least three members opposite were members of Cabinet at that time. In his letter to the Secretary of the United Trades and Labor Council, the then Premier stated:

I refer to the representations made by the deputation which waited on me on the 9th July, 1969, and which you confirmed in your letter of the 14th July, 1969, concerning assistance from the Government in the proposal to construct a new Trades Hall at South Terrace, Adelaide. Cabinet has considered the various requests made and is unable to recommend the payment of a direct grant or provide a guarantee against funds which might be loaned for construction of the building. However, the Government is in sympathy with your council's desire to arrange for the erection of the building and if you so desire will be pleased to use its good offices with appropriate financial institutions to assist your council to raise the necessary funds.

We could have done that for ourselves. We went to the Government so that we would not have to go to the private finance people. What did we get from the Premier of the day? I have quoted the letter. Cabinet at that time included at least three members of this Council. They were against assisting the Trades Hall in 1969 and they are against it in 1975. They have not changed one bit. They still say it was a good idea for the Chamber of Manufactures to have this grant from the Government, but they do not raise a hand except to give a list of financial institutions from which we might be able to raise some money.

The Hon. A. F. Kneebone: That was one occasion when they agreed with Steele Hall.

The Hon. D. H. L. BANFIELD: They are still agreeing with him on this issue. They have not changed one bit since 1969. I appeal again to members opposite to recall what was done for the Chamber of Manufactures and to recall the number of times it has got cash in a community spirit. The Trades Hall is run by community spirit. The only persons who receives a remuneration for the running of the Trades Hall is Jim Shannon, who receives an honorarium at the end of the year for secretarial services. The last I heard was that he was not able to collect his honorarium for the work done in relation to the management of the Trades Hall. When members opposite finish having a go at us, I ask them to do exactly what they agreed to do, when they gave the Chamber of Manufacturers this grant.

The Hon. M. B. Dawkins: We were not here.

The Hon. D. H. L. BANFIELD: They are not going to accept responsibility for the actions of previous Governments. It does not matter what our principles were in the past: we are now against the workers! That is very nice! Let the Chamber of Commerce and Industry say what it would do! A Liberal Government has done it not only once for the Chamber of Commerce and Industry: it has done it twice. And it has refused to do it for the Trades Hall on one occasion, and honourable members opposite have said that they again intend to refuse any assistance to the Trades Hall. I ask honourable members at least to consider both sides of the question and to be consistent: let them say whether they have the interests of the workers at heart. We shall see how they vote.

The Hon. J. C. BURDETT (Southern): I do not support this Bill, but I do not intend to have a go at honourable members opposite, as the Minister of Health suggested. I want to refer to the remarks of the previous two speakers. The Hon. Mr. Creedon stated that we had offered nothing concrete by way of assistance to the Trades Hall in its present predicament, but his statement was not correct. The Hon. Mr. DeGaris and the Hon. Mr. Dawkins both offered something concrete, and it was in substantially the same terms. The Minister of Health suggested that the Trades and Labor Council had no legal power to levy the affiliated unions to raise the necessary sum to get it out of difficulty. True, the representatives of the Trades Hall Managing Committee who came to see honourable members on this side of the Council told us that that committee had no legal power to recover any levy. It has been suggested in the press that a contribution of $8 by each unionist would pay off the hall debt.

The Hon. R. C. DeGaris: Or 1c a week.

The Hon. J. C. BURDETT: Yes. It has also been suggested that a contribution of $2 by each unionist would get the Trades Hall Managing Committee out of difficulty.

The Hon. D. H. L. Banfield: There has already been a levy.

The Hon. J. C. BURDETT: All right. Let me be more precise: an additional $8 a head now would make the Trades Hall freehold, while an additional $2 a head now would get the Trades Hall Managing Committee out of its present predicament. The suggestion made by the Hon. Mr. DeGaris and the Hon. Mr. Dawkins was something like this: as the Trades Hall Managing Committee and the Trades and Labor Council have no power to make a compulsory recoverable levy on the affiliated unions, if a Bill were introduced by the Government giving that power we would give it sympathetic consideration.

The Hon. D. H. L. Banfield: In other words, we will force the unionists: never mind about the Chamber of Commerce and Industry!

The Hon. J. C. BURDETT: I am coming to that organisation. The Trades Hall is there for a specific sector of the community—the trade union movement. It is not there for anyone else. So, the trade union movement ought to finance it. We acknowledge that unions are necessary, and we hope that some general benefit will flow to the community from the efforts of the total trade union movement in the same way as we hope that some general benefit will flow to the community from the efforts of employers' organisations.

The Hon. D. H. L. Banfield: Don't forget what you did for the Chamber of Commerce and Industry.

The Hon. J. C. BURDETT: We did not give an employers' organisation a grant. Let me take one thing at a time. The Trades Hall exists for a specific section of the community, the trade union movement. No-one denies its right to exist. Everyone says that it ought to be able to go its own way, run the Trades Hall if that can be afforded, have its own facilities, and so on. But the Trades Hall is there for the benefit of the trade union movement.

The Hon. D. H. L. Banfield: Why is the Chamber of Commerce and Industry there?

The Hon. J. C. BURDETT: The half of the Chamber of Commerce and Industry has never received any assistance from the Government.

The Hon. D. H. L. Banfield: I am talking about the organisation.

The Hon. J. C. BURDETT: I am coming to that in a moment. It has been asked: why should the Government not assist the Trades Hall Managing Committee? I say that the answer is: because the Trades Hall is there for a specific section of the community.

The Hon. R. C. DeGaris: It is not a social service.

The Hon. J. C. BURDETT: I agree, and it has a political affiliation.

The Hon. D. H. L. Banfield: The Chamber of Commerce and Industry has not a political affiliation!

The Hon. I. C. BURDETT: I do not know whether it has or it has not a political affiliation, but it has never been assisted. I will give the details more exactly than the Minister did as to what has been done for the Chamber of Commerce and Industry. The trade union movement is politically aligned, and I am sorry that it has got itself into this difficulty. It has largely been through its own fault. The trade union movement put up a building and decided afterwards how it would pay for it. It is in difficulty because it has not been properly assisted by the people who should be behind it—the unions and the union members. Nevertheless, I am sorry about the matter, and I would not like to see the Trades Hall disappear, because it is beneficial to the trade union movement.

The Hon. Mr. DeGaris and the Hon. Mr. Dawkins made constructive suggestions for doing something about the problem. It is not correct to say, as the Hon. Mr. Creedon said, that no concrete suggestion has been made. Any levy would not need to be great. Unionists and non-unionists have said that the contribution should not come from public funds: it should come from the people concerned with the trade union movement and the Trades Hall—the unionists themselves. To impose a compulsory levy, a Bill would need to be introduced and passed.

The Hon. D. H. L. Banfield: There has already been a Bill.

The Hon. I. C. BURDETT: The Hon. Mr. DeGaris, the Hon. Mr. Dawkins and I would certainly give favourable consideration to a Bill enabling the raising of a compulsory levy. If the unions did something constructive to help themselves, they would get much sympathy from members of the community.

The Hon. D. H. L. Banfield: You said that the unions had done nothing to help themselves, but I point out that there has already been a levy and they have raised over $100 000.

The Hon. J. C. BURDETT: So far, any levy has not been effective. All that is necessary at present is a levy of an additional $2 on each unionist to get the Trades Hall Managing Committee out of its present crisis, or $8 on each unionist to settle the whole matter. I am not suggesting that the trade union movement has done nothing, but nothing very convincing has been done by the unions to solve this problem, which is of their own making. What has been said, and what I support is that, if a Bill were introduced by the Government, whose job it surely is to help the Trades Hall, to enable the raising of a compulsory levy, we would consider it favourably.

The Hon. R. C. DeGaris: The Government could amend this Bill.

The Hon. J. C. BURDETT: Yes. The Hon. Mr. DeGaris has suggested that, philosophically, it is wrong to compel unions who might not want to give to contribute, but, in the present situation and with the sympathy we have for retaining liquidity of the trade union movement and giving it a home, we would be willing to consider it favourably.

The Hon. D. H. L. Banfield:. It would play havoc with your conscience, though, wouldn't it?

The Hon. J. C. BURDETT: No, because I have a sympathetic conscience when it comes to helping the movement, to which I am kindly disposed. Regarding the precedents that have been referred to, first, something must be said about them. Reference has been made to grants given by the South Australian Government to the Chamber of Commerce from 1882 and another series of grants in 1935. First, this Parliament cannot be held responsible for what happened in 1882 or 1935. We have to face the issue—

The Hon. D. H. L. Banfield: Don't you take notice of what's happened in the past? Is that what you're saying?

The Hon. J. C. BURDETT: No, but this Parliament is not responsible for what was done in 1882 or in 1935. I am not even sure that the present Parties were in existence in their present form.

The Hon. D. H. L. Banfield: Why refer to precedents?

The Hon. J. C. BURDETT: The Minister did, not the Opposition. The Minister said that there had been these precedents, and I will deal with them in detail later. First, it should be said that the whole of the Parliament, including the Opposition, is not responsible for what was done by different Parliaments between 1882 and 1935. This Parliament must deal with the problem now before us, namely, that the Trades Hall Managing Committee unfortunately took on itself an obligation it could not meet and, as a result of inflation brought about largely by Commonwealth Government policies, it is now unable to meet its obligations, as is the case with many members of the community who are not getting any benefit from this Government. We must deal with the situation. I have some figures before me of grants to the South Australian Chamber of Manufactures from the South Australian Government. I believe that the Minister of Health did himself an injustice, because he said that the grants dated from 1882, whereas my figures show that they dated from 1874.

The Hon. D. H. L. Banfield: I didn't want to be too hard on the chamber.

The Hon. J. C. BURDETT: My list, dating from 1874 to 1908, shows the amounts of the grants, which total £10 850, consisting of varying sums; £100 in 1874; as high as £500 on a few occasions; £500 in 1877 and 1878; and during the last several years the sum was £200. On the information I have received, every one of these grants was to enable the chamber to carry out various experiments for the South Australian Government: none was for the purpose of building a hall, housing a chamber, helping it to carry out its own interests, for benefiting someone or for any other section of the community.

The Hon. R. C. DeGaris: The chamber was acting on the Government's behalf.

The Hon. J. C. BURDETT: Yes, as a Government agency. Some of the grants were to investigate certain kinds of mulberry tree for the feeding of silk worms and seeing whether it was practical to manufacture olive oil in South Australia. To. use this as a precedent is absolutely pathetic. The loan sought for the Trades Hall is for the purpose of maintaining the. hall for the benefit of a certain section of the community that is politically aligned.

The grant to the South Australian chamber between 1874 and 1908 was not for the purpose of any building, for subsidising its administration, or for benefiting any particular section of the community: it was to enable the organisation to act as an agency for the Government in conducting certain experiments. The 1935 series of grants was to build the Centennial Hall for the benefit of

the whole public. The hall has been used for the benefit of the public on many occasions, but it has never been used as a home for employers, for the Chamber of Manufactures, or as a centre of employer organisations. Whether the exhibitions that have been conducted were industrial or other exhibitions, they were for the benefit of all sectors of the community.

It has been the practice of the South Australian Government for the whole of this century, and it is still the practice to give various forms of assistance to agricultural shows which, in many ways, benefit the whole community, whether in the way of displaying goods, encouraging industry or employment opportunities, or simply entertainment. To suggest that these grants were in any way similar to the proposed grant (or now loan) to the Trades Hall is ridiculous, because it would benefit only a specific section of the community.

Finally, I turn to that part of the speech of the Minister of Health in which he referred to grants that have been made to what could fairly be said to be charitable organisations. These are entirely different, because they benefited all the people in the community, not only specific sectors: certainly not organisations such as the trade unions, which are politically aligned. A lesson may be learnt from what the Minister said about grants to charitable organisations, namely, the way in which they were made: they were made not by a Bill brought before Parliament, but direct grants were made.

The Hon. D. H. L. Banfield: But the Estimates had to be approved by Parliament.

The Hon. J. C. BURDETT: Yes.

The Hon. D. H. L. Banfield: Isn't that approval by Parliament?

The Hon. J. C. BURDETT: Only in that form.

The Hon. D. H. L. Banfield: What do you mean by "only in that form"?

The Hon. J. C. BURDETT: Why not do it that way in this instance? Why not simply do administratively what you have done in the past: put it in the Estimates and have us approve it?

The Hon. D. H. L. Banfield: We wanted to see how fair dinkum you were.

The Hon. M. B. Dawkins: You wanted to back off from your responsibility.

The Hon. J. C. BURDETT: The most recent example has been the $10 000 grant to the Women's Liberation Movement and other similar organisations in connection with International Women's Year; that grant was not brought before Parliament and it could hardly be said to be for the benefit of all sections of the community. It was done administratively by the Government. I think the Government had a guilty conscience about this grant for the Trades Hall. It did not have the guts to do it in the normal way. It thought it should have been brought before Parliament, and have someone to blame.

The Hon. D. H. L. Banfield: What would you have said if we had not brought it before Parliament?

The Hon. R. A. Geddes: That's a hypothetical question.

The Hon. D. H. L. Banfield: We know what you'd have said.

The Hon. J. C. BURDETT: Why did the Minister raise these other matters as precedents when they were done administratively and why did he not have the guts to make this grant in the same way?

The Hon. D. H. L. Banfield: We wanted your support.

The Hon. I. C. BURDETT: But you will not get my personal support.

The Hon. D. H. L. Banfield: I said that a long time ago.

The PRESIDENT: Order! I think we will have a speech in preference to a dialogue.

The Hon. I. C. BURDETT: Members opposite will not get my personal support for this Bill, but they have my sympathy for the predicament in which the Trades Hall unfortunately finds itself. If the Government introduces a Bill to provide for the imposition of a compulsory levy, on any reasonable terms, from the affiliated unions or the trade unionists who are members of those unions, it will receive my support. However, I cannot support the second reading of this Bill.

The Hon. A. M. WHYTE (Northern): Since I intend to vote against the second reading of this Bill, it is only fair that I explain my reasons for doing so. I have always said that it is commendable for anyone to help as many people as possible. It is also commendable to help one's friends, and perhaps the Treasurer could be commended for his effort on this occasion. However, it is not commendable when one uses someone else's money to do it, and this is the grouch I have about this Bill. The funds that we are expected to authorise do not belong to us. These funds belong to the taxpayers, and it is not right that they should be channelled to such a small section of the community.

I listened with keen interest to the outlining by Mr. Shannon of the proposition. I thought he outlined the project in a splendid manner, with enthusiasm but without heat, and he laid all the facts before the group of which 1 was a member. I have sympathy for the efforts of Mr. Shannon and the other people who have fought so gamely to retain Trades Hall. If they were to hold an appeal, as other organisations have to, I would subscribe to that appeal in the same way as I would to help any other organisation attempting to do what the Trades Hall seeks to do. However, there is no justification for our being involved in this matter. Perhaps the Treasurer thought he had a double-headed penny, because he could not possibly lose on this issue. I believe that, as Treasurer, he would almost weep if this Bill were passed by the Council, because he does not have $200 000 to ladle out in this manner. Therefore, he is pleased on two counts if we reject the Bill: first, because he can label us as being anti-trade union movement people (this will give him pleasure), and secondly, because he will not have to hand out the $200 000.

It is an old and commendable trait to help one's friends whenever possible, and this is what the Treasurer has done. I think one of the gospels refers in some detail to the steward who, when the auditors questioned his books, went out and underwrote the bills of all his employer's creditors so that when he went out of office he still had many good friends. Perhaps the Treasurer is looking at the next election and thinking that this is what he should do. In fairness to the decision I made some time ago, I thought I should give this explanation.

The Hon. R. A. GEDDES (Northern): I want to make a brief comment in this debate because of the difficulty that appears in the mind of the Government on this matter. I make the following suggestions to the Government. The Industries Development Committee has been established by this Parliament. Amendments have been introduced by the Government at various times giving the committee new instructions such as authorising a Government guarantee for loans to such organisations as the South Australian National Football League for the construction of Football Park. Last year the Government introduced a Bill to amend the principal Act to provide the committee with the power to authorise a Government guarantee of moneys for industries

that may be situated in overseas countries, so that such industries could produce goods that may be of benefit to South Australia.

When the matter of the possible development of a casino was at its height in South Australia, the Treasurer announced that the committee would be responsible to the Government and Parliament to advise on the suitability of the project and all other aspects. Why has that committee not been given the task by the Government of investigating the viability of Trades Hall and reporting to the Government on ways and means to help it out of its difficulty? This would have been a far easier means of achieving the Government's aim in assisting the Trades and Labor Council. It would have been a much cleaner and more straightforward approach to the total problem. I ask that question of the Government and, as a back-bench member, I offer my suggestion as a form of advice.

The Council divided on the second reading:

Ayes (6)—The Hons. D. H. L. Banfield, B. A. Chatterton, T. M. Casey, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (12)—The Hons. J. C. Burdett, M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 6 for the Noes.

Second reading thus negatived.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 11. Page 2756.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I shall be brief in dealing with this Bill, which I am sure honourable members will appreciate. I support the view expressed by the Hon. Mr. Gilfillan yesterday. First, I have always felt disturbed by the principle that the salaries of certain persons which are determined by Parliament are then used to determine the salaries of Parliamentarians. This has always seemed to me to be a system that could not be justified.

Secondly, under our existing system, many officers owe their total protection to the State Parliament, so it is reasonable that they can expect the maximum protection that this Parliament can offer them in fulfilling their duties. I refer, for instance, to members of the judiciary, the Auditor-General and other important officers (I am not sure exactly which category the Commissioner of Police is in). These people deserve the maximum protection that Parliament can give them so that they can fulfil their duties without any possibility of, or even of the public's suspecting that there may be, Government influence in their decisions. This Bill is a wedge, albeit a minor one, and the view expressed by the Hon. Mr. Gilfillan should be considered by the Council: that Parliament should be the final determiner of the salaries of these people, because they are responsible to Parliament, and that is where the matter should lie. I therefore support the Hon. Mr. Gilfillan's views and will oppose the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (AMALGAMATIONS)

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It is closely associated with the report of the Select Committee on council boundaries presented to this Council yesterday. The Select Committee and the Government considered it essential to simplify the provisions of the Local Government Act in respect of changes to council boundaries. The simplified procedures are intended to apply to changes agreed by councils following discussions with the Royal Commission, which, if the Select Committee's recommendations are endorsed by Parliament, will undertake the task of promoting changes to council areas.

I have already explained to the Council that the Select Committee considered changes in boundaries were desirable and therefore recommended that the Council support legislation under which the necessary change can be effected. It is essential that the Royal Commission have backing of the nature proposed by this Bill if it is to achieve the success that is desirable. It is equally essential that, when voluntary agreement by councils has been achieved, legislation to enable this voluntary change to be carried into effect be simplified. This is the purpose of this Bill. In brief, councils which agree on change will indicate that agreement to the Minister, who will give public notice of the proposal inviting objections from ratepayers. Ratepayers of any area affected can then demand a poll, which would be held over the whole of the affected areas. Once these procedures have been followed, the matter can proceed to proclamation. The procedures presently laid down in the Act concerning formal petitions, publishing of petitions, and so on, can thereby be avoided, thus saving time in introducing voluntary changes.

Clauses 1 to 3 are formal. Clause 4 corresponds with a provision in the previous Bill. Under this provision, where the principal Act vests rights and liabilities in some council that is identified by name, and the powers conferred by Part Il of the Act are exercised in relation to that council resulting in a corresponding transfer of those rights or liabilities to some other council, then the reference to the council named in the Act shall be read and construed as a reference to the council to which the rights or liabilities have been transferred. Clause 5 repeals and re-enacts section 6 of the principal Act. The present antiquated provisions of that section are removed and a simple power to declare a council to be a metropolitan council is included in the principal Act. Clause 6 also removes material from the principal Act that is now out of date.

Clauses 7 and 8 are the operative provisions of the Bill. Under new section 45a, where two or more councils agree to a proposal for the exercise of powers conferred by section 7 of the principal Act, and the proposal has been approved by the Royal Commission, councils may submit the proposal to the Minister. The Minister is then required to give notice by public advertisement' of the proposal, and 20 per cent of the ratepayers of any area affected by the proposal may by instrument in writing, addressed to the Minister, demand a poll. In any poll held under the new section, the question shall be whether the ratepayers approve of the proposal, and the question shall be deemed to have been carried in the affirmative unless a majority of the ratepayers voting, and at least one-third of the total number of ratepayers on the voters' rolls for the affected areas, vote against the proposal. Where a proposal is submitted to the Minister under the new section and no poll is demanded, or a poll is demanded and the question resolved in the affirmative, the Minister is required to submit the proposal to the Governor. When the proposal has been so submitted, the Governor is empowered to exercise his powers under section 7 of the principal Act for the purpose of giving effect to that proposal.

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

ROAD TRAFFIC ACT AMENDMENT BILL (INSPECTIONS)

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

Its principal object is to provide for the inspection, at regular intervals, of all buses that operate in this State and all other vehicles that ply for hire or reward. I have been concerned for some time about the various deficiencies in the laws relating to the safety of commercial passenger vehicles. First, the inspection requirements differ, according to whether the vehicle is a metropolitan taxi, a country taxi, a school bus, a Municipal Tramways Trust bus, a charter bus or a vehicle licensed under the Road and Railway Transport Act. Furthermore, the Act as it now stands applies only to vehicles that carry passengers for a fee or charge. There are many situations in which a bus service is run completely free of charge; some that come to mind are those buses that are operated by shopping complexes, private schools, hospitals and some Government departments and instrumentalities. It is obvious that, in the interests of the community, all such vehicles ought to be subject to regular inspection.

Another problem arises from the fact that such a diversity of people may be appointed or authorised as inspectors under the safety inspection provisions of the Act. Although in no way criticising the inspections carried out by members of the Police Force and council officers, I believe that such vital and highly specialised work ought to be the function of only those people who are trained and skilled vehicle mechanics. As a reflection of my whole concern in this matter, in 1970 an advisory committee was formed, comprised of representatives, of various authorities involved in inspecting vehicles, and a representative of the Bus Proprietors Association. This committee has done much fruitful work, and some of its major recommendations have been adopted on a national level by the Australian Transport Advisory Council. This Bill reflects the decision of that committee to achieve uniformity between the States as to vehicle inspection requirements. The present situation whereby some bus operators are able to evade the law under the guise of section 92 of the Constitution will therefore no longer prevail.

The Bill proposes to establish a central inspection authority for the purposes of inspecting all omnibuses and all vehicles that ply for hire or reward, at intervals of six months. It is intended that the Government Motor Garage will perform the functions of the central authority, as it already has the expertise and equipment necessary to carry out the required work. The only vehicles that are not encompassed by the proposed inspection requirements are taxis licensed by the Metropolitan Taxi-Cab Board, as adequate machinery now exists for the regular and proper inspection of these vehicles. The Bill also makes numerous minor amendments to the principal Act which is constantly under critical review in an effort to keep pace with modern road traffic requirements. These amendments will be explained in full as I deal with the individual clauses of the Bill. I commend this Bill to honourable members as a vital and necessary part of the Government's commitment to achieve a higher standard of road safety in this State.

Clause 1 of the Bill is formal. Clause 2 fixes the commencement of the Act on a day to be proclaimed. Clause 3 rationalises the various definitions relating to cycles, motor cycles and pedal cycles. The definition of "breath analysing instrument" is superfluous. Various other definitions are amended either consequentially or by way of statute revision. Clause 4 effects a consequential amendment. Clause 5 empowers the Governor to declare that certain kinds of vehicles are to be treated as a specified kind of motor vehicle. Difficulties have arisen over the gradually increasing incidence of hydrid motor vehicles on the roads; for example, a "moped", a combination motorbike and pushbike, is quite a common sight today. It may be desirable to treat such a vehicle as a motor cycle. The three-wheeled car also causes a problem—in some cases it may be desirable to classify such a vehicle as a motor cycle, in others as a motor car. The Government may exempt such vehicles from certain provisions of the Act; for example, the driver of a three-wheeled "car" that is classified as a motor cycle may be exempted from the safety helmet provisions of the Act.

Clauses 6, 7 and 8 provide that those sections of the Act that deal with the installation and maintenance of traffic control devices also apply in the situation where existing devices are altered in any way. Clause 8 also provides for the situation where a council erects parking signs on a road that is not vested in its care; quite obviously the cost of installing and maintaining such signs should primarily be the council's responsibility. Exceptions to this rule may be made by regulation. Clause 9 provides for the recovery of the costs of installing and maintaining traffic control devices from the owners of businesses that necessitate the installation of such a device. For example, where a pedestrian crossing has been installed at a large shopping complex, it is reasonable to assume that, if it had not been for the custom attracted by the complex, it would not have been necessary to install any such control device. In those circumstances it is proper for the Minister to require the business owners to make some contribution to the authority responsible for the installation of the device. However, a right of appeal to the Supreme Court against any such requirement is given to business owners.

Clause 10 enacts new provisions relating to the temporary exhibition of "stop" signs in relation to pedestrian crossings and road works. Only authorised persons may- exhibit such signs. Clause 11 corrects a minor anomaly in the general provisions relating to traffic control devices and also effects an amendment consequential to clause 8 of this Bill. Clause 12 empowers the Road Traffic Board to require the owner of a light, device or sign that is a traffic hazard to remove or moderate it in some way. As the principal Act now stands, the board may exercise this power only when there is a likelihood of increasing the risk of accident. The power is now broadened to include situations where a light or sign might detract from the visibility of, or be confused with, a traffic control device. It is very necessary that the multitudinous directions given to drivers must be as clear and apparent as possible. Clause 13 corrects a minor self-explanatory fault in the provision relating to the power of members of the Police Force and inspectors to ask questions in certain circumstances. Clause 14 raises the monetary limit before an accident need be reported to the police to an amount more in line with current values. The standard provision relating to the evidentiary worth of a certificate is also inserted.

Clause 15 effects a consequential amendment. Clause 16 deletes a provision that is re-enacted in clause 20 of this Bill. Clause 17 removes any doubt relating to the prohibition against making U-turns at intersections when the traffic lights are not operating. Clause 18 clarifies the duties placed upon drivers and pedestrians at traffic lights.

Clause 19 extends the duty to comply with signs prohibiting turns to cases where such signs are erected elsewhere than at an intersection or junction. Clause 20 inserts in this general provision relating to the duty at "stop" signs the duties to comply with temporary "stop" signs exhibited at pedestrian crossings or road works. Clause 21 corrects a minor anomaly. Clause 22 widens the effect of this section so that the driver of a bus, whether it is carrying, any passengers or not, and the driver of a vehicle designed to carry certain specified dangerous goods, whether the vehicle is empty or not, must comply with the duty to stop at rail crossings. The need for such a "blanket" obligation is very clear. Clause 23 effects a statute law revision amendment. Clause 24 widens the scope of this section by prohibiting the placing of a sign on a road for the purpose of advertising goods, etc. Exemptions from any provision of this section may be given to individual persons, or certain classes of persons. Clauses 25 to 30, inclusive, effect consequential amendments.

Clause 31 repeals certain sections of the Act dealing with the various kinds of lamps and reflectors to be fitted to vehicles. A new comprehensive section is enacted whereby a vehicle that is driven, or parked on a road, must be fitted with all such lamps or reflectors that may be prescribed in respect of that class of vehicle. This provision simplifies matters in a manner similar to the present braking provisions of the Act. It is quite unsuitable to clutter the principal Act with the many and various lamp provisions that properly belong to the regulations. Clause 32 adds a penalty to the section that provides the duty to light lamps on a vehicle in accordance with the regulations. Clause 33 repeals section 123 of the Act which is also amalgamated in new section 111 of the Act. Clause 34 corrects a minor anomaly. Clause 35 and 36 effect consequential amendments. Clause 37 brings this section into line with the various lighting provisions of the Act in which the division of day from night is taken simply as sunrise or sunset. The flags to be carried by wide vehicles are to be prescribed in the regulations.

Clause 38 inserts a provision that the weight on any two or more axles of a vehicle must not exceed the aggregate of the weights permitted on those individual axles under the section. This provision used to be in the Act before the 1973 amendment to the maximum weight provisions, and apparently it is helpful in determining whether an offence has been committed in the case of a vehicle with multiple axles. Clause 39 repeals section 159 of the Act which deals with the inspection of certain passenger vehicles. This section is replaced by new Part IVA contained in clause 43 of this Bill. Clause 40 corrects an anomaly in the seat belt provisions of the Act. Clause 41 clarifies the provisions relating to persons who hold certificates of exemption from wearing seat belts. Such a person must produce the certificate to a police officer, upon his request, either immediately or at a police station nominated by the person. Production at a police station must be effected within 48 hours. Clause 42 re-enacts the provision relating to the wearing of safety helmets by motor cyclists. The Governor is given the power to make regulations as to the design, etc., of safety helmets and any other matter relating thereto.

Clause 43 inserts new Part IVA of the principal Act. New section 163a establishes a central inspection authority. As I have already mentioned, the Government Motor Garage will be declared to be the body constituting the authority. The authority may delegate its functions to any other body with the approval of the Minister. New section 163b provides for the appointment of inspectors. New section 163c specifies the vehicles to which this Part applies. All buses and all vehicles that apply for hire are subject to this Part. The way is left open for other vehicles to be brought, by regulation, within the ambit of this Part. If any such vehicle is driven for the purpose of carrying passengers and is not the subject of a current certificate of inspection, the driver and his employer are each guilty of an offence. The Registrar of Motor Vehicles is given the power to suspend the registration of a vehicle where he believes that an offence has been committed. New section 163d provides for the inspection of vehicles at regular prescribed intervals. It is intended that the intervals will be six months, but leeway will be given in respect of the first prescribed interval, so that the authority has time to organise country inspections in a rational manner. A fee will be payable on each inspection, and at the present time it is intended that this fee will be $7.50. The authority may decline to issue a certificate where an inspection reveals a defect that, in its opinion, renders the vehicle unsafe for the carriage of passengers.

The Minister may make exemptions from payment of the prescribed fee. Such bodies as charitable organisations will be exempted, as will any bus that is used exclusively for family purposes. New section 163e empowers the authority to make random inspections. New section 163f sets out the conditions under which the authority may cancel certificates of inspection. New section 163g empowers an inspector or a member of the Police Force to inspect any certificate of inspection. It is intended that certificates of inspection will take the form of an adhesive label to be attached to the vehicle.

New section 163h provides the standard form of protection for inspectors acting under this Part. New section 163i provides for the evidentiary value of a certificate under the seal of the authority. Clause 44 effects an amendment consequential upon new Part IVA. Power is also given for any regulation made under the Act to refer to any set of standards. This is a normal procedure, and the effect of this amendment is to make quite clear that the regulations need not be amended each time any such standard is varied, amended or substituted.

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

MOTOR VEHICLES ACT AMENDMENT BILL (GENERAL)

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill he now read a second time.

This Bill is consequential upon the Road Traffic Act Amendment Bill, 1975. The various changes to the Road Traffic Act proposed by that Bill necessitate corresponding amendments to the points demerit scheme contained in the third schedule to the Motor Vehicles Act. No substantive change to the scheme is made by this Bill. Sundry metric amendments are also effected, and some minor anomalies corrected.

Clause 1 is formal. Clause 2 fixes the commencement of the Bill on a day to be proclaimed. Clause 3 amends the third schedule to the Act. Paragraphs (*a*) and (*b*) are consequential amendments. Paragraphs (*c*), (*d*) and (*e*) are metric amendments. Paragraphs *(f)* and (*g*) merely substitute the word "or" for "and" in the first column of the schedule, to remove any doubt as to the attraction of the specified demerit points upon conviction of only one

offence. Paragraph (*h*) is consequential upon an amendment made to the Road Traffic Act in 1972. Paragraph (*i*) is an amendment consequential upon the Road Traffic Act Amendment Bill, 1975.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

In Committee.

(Continued from March 11. Page 2758.)

Clause 2—"Expiry of this Part."

The Hon. A. F. KNEEBONE (Chief Secretary): I wish to reply to questions raised by honourable members. Regarding the delegation of authority, I point out that the City of Adelaide Development Committee has the power of delegation under section 42h (10) of the Act and, in fact, has delegated its powers for the smaller building works to the City Council. The development committee meets almost every week, and therefore can reach its decision on applications within a week or so. The City Council, on the other hand, meets only every four weeks, and this is where it takes longer to obtain approval. Under the present provisions of section 41 of the Act, the council cannot further delegate the powers already delegated to it by the State Planning Authority. One of the purposes of the other proposed amendment to the Act which has been introduced in another place is to enable the council to delegate further, and thus allow the council to deal with building applications as quickly as the City of Adelaide Development Committee.

With respect to the Leader's specific mention of internal partitioning, while it might be deemed that internal partitioning and alterations could be part of the committee's function, in fact the committee is involved with the outside aesthetics of the building, rather than the internal construction. The latter generally is left with the corporation.

Regarding the question of a right of appeal, there is right of appeal against the decisions of the development committee, except in the case where a directive has been made by the committee for which there has already been a right of appeal. Only two directives have been made by the City of Adelaide Development Committee, one on a technical matter and one dealing with land use. Neither was appealed against. Generally, anybody dealing with the City of Adelaide Development Committee has the right of appeal to the Planning Appeal Board.

This committee is an interim committee until the final plan for the city of Adelaide is created. It is to be treated on that basis. It is not as if it will be sitting there to oversee the council's activities indefinitely. All the Government is doing is asking for it to be extended for another year to enable proper participation and consideration to occur before the final plan for the city is agreed upon. Finally, the Hon. Mr. Hill has said (*Hansard,* page 2633) that the committee comprises seven members, of whom four were to be Government nominees and three were to be appointed by the Adelaide City Council. I have been informed that there are three Government nominees, three council nominees, and the Lord Mayor of the day as Chairman.

The Hon. R. C. DeGaris: I was otherwise engaged a few minutes ago. Did you deal with appeals?

The Hon. A. F. KNEEBONE: Yes.

The Hon. R. C. DeGARIS (Leader of the Opposition): Whilst I know that we are dealing with interim control, at the same time in this particular matter we appear to be dealing with interim control in a different set of circumstances. I am worried that there is no right of appeal to the Planning Appeal Board, and I believe that the complaint made in this connection is justified.

The Hon. A. F. KNEEBONE: Regarding the question of a right of appeal, I repeat that there is right of appeal against the decisions of the development committee, except in the case where a directive has been made by the committee for which there has already been a right of appeal. Only two directives have been made by the City of Adelaide Development Committee, one on a technical matter and one dealing with land use. Neither was appealed against. Generally, anybody dealing with the City of Adelaide Development Committee has right of appeal to the Planning Appeal Board.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for that information. The case shown to me indicated that a judge had made a comment that seemed to suggest that there was no right of appeal under interim control. I would like to check my information further. I do not think this is the place to argue that point.

Clause passed.

Title passed.

Bill read a third time and passed.

MANUFACTURERS WARRANTIES BILL

Adjourned debate on second reading.

(Continued from March 11. Page 2750.)

The Hon. J. C. BURDETT (Southern): The difficulty with this Bill is to decide whether or not it is necessary to introduce this kind of legislation, and I find it difficult to satisfy myself that there is any real practical need for the Bill. The Bill is not a typical example of a Committee Bill; in fact, once the need for the Bill is admitted (although I do not admit it), the Bill is an admirable way of putting that need into effect, with the few exceptions to which I will refer. Regarding the need, theoretically there is a strong argument to say that this law reform is necessary and there is a strong logical argument that, in the present market situation, a manufacturer should be directly responsible to the consumer.

The most radical and, in my opinion, important part in the Bill is the concept of making the manufacturer directly responsible to the consumer: certainly, from the legal point of view, this is the heart of the Bill. In legal terms, what the Bill does is to create an artificial privity of contract between the consumer and the manufacturer. This Government, particularly the Attorney-General, has introduced several law reforms which, although theoretically sound, do not seem to be necessary in practice, and the Hon. Mr. Hill has said several times that the Attorney seemed to have little or no knowledge of the market place. I have made inquiries in trading circles which indicate that there seems to be little necessity for the Bill because, in the case of, say, an electric iron, washing machine or motor vehicle the manufacturer provides a manufacturer's warranty.

Warranties are usually honoured if the article is returned to have some defect repaired in order to make the item good, and it is usually done without argument. I suppose that the strongest argument for the Bill is the hypothesis that the retailer, who is responsible to the consumer, may become insolvent. However, I doubt in practice whether much hardship is caused to the consumer in such circumstances. If this occurred in regard to an electric iron, washing machine or motor vehicle, I have no doubt that the manufacturer, although not legally liable to the consumer directly, would honour the warranty.

Most consumers of the kind who most need protection of this sort would probably not have much knowledge of their rights under the Bill; so, it will not be of much use to them. My inquiries have included manufacturers' organisations, and one would expect that, if there had been an ill or if there is an evil that ought to be remedied, they would be the people who would know about it. If it is the

case that people have suffered hardship in the past through manufacturers not standing behind their products, surely the place where the inquiry would be taken would be to the manufacturers' organisation. I have made inquiries in this quarter which have elicited that, although some complaints have been brought before them, generally speaking they have contacted the manufacturers concerned and the matter has been put right without any trouble.

Certainly, the inquiries I have made indicate that only a few complaints have been made to manufacturers' organisations of manufacturers not standing behind their goods and that, where these complaints have been made, the matter has been put right. It is somewhat alarming to me that, in his second reading explanation, the Minister did not claim that, in practice, it had turned out that there was a necessity for this kind of legislation. It is my view that the practical need to change the law ought to be demonstrated before a major part of the law is changed. Therefore, I find it alarming that no attempt has been made to say that, in practice, consumers have suffered through the lack of this kind of legislation.

The Government is merely continuing on its merry quixotic way of tilting at windmills and providing remedies for evils that do not exist. We have had much of this kind of legislation under the name of consumer protection. Will the Minister, when replying, say what complaints have been made to the Government that would be cured by the Bill? What surveys have been made; what indication has there been of manufacturers who will not stand behind their warranties; and what cases have there been of people who have been deprived of a remedy because the retailer had become insolvent? Will the Minister spell out what has been found by the Prices and Consumer Affairs Department and by other people, and give what information the Government has of the need for the Bill? I believe that, when the law is changed radically (and the Bill provides a radical change), some need should be demonstrated by the Government to honourable members, who are asked to vote for the legislation, and it should show why it is necessary and what need has arisen. Although a general statement has been made, there has been no indication that any such need exists.

The definition of "consumer" includes a body corporate, and I take issue with that definition, because it is not common in consumer legislation. Most consumer legislation sets out to protect the little man, the individual, the person whose iron, motor vehicle or washing machine does not work. Generally speaking, it has been considered unnecessary to protect the big corporation, or even the small corporation. The individual is the person entitled to protection under consumer protection legislation. Generally speaking, in the commercial field there is no need to be given a specific statutory protection or to be given a right of recourse to the courts. In the commercial field, with dealings from one body corporate to another, if a supplier does not continue to supply goods reasonably to the satisfaction of the receiver, he does not buy them any more, and that is his form of remedy.

I agree that that is unsatisfactory to the individual, the consumer, or the housewife who buys an electric iron, but it is satisfactory to the person in commerce. I suggest that it is unduly oppressive to include a body corporate in the definition of "consumer", which states:

> "consumer", in relation to manufactured goods, means any person (including a body corporate) who purchases the goods when offered for sale by retail and includes any person who derives title to the goods through or under any such person:

I will consider moving an amendment in Committee, because I believe that a body corporate should be struck out from the definition. I consider that the words "and includes any such person who derives title to the goods through or under any such person" should be deleted.

The definition of consumer in the Bill is not confined to the first purchaser by retail, but would include the sale by one retailer to another, in other words, a secondhand sale. The Minister has correctly pointed out that the manufacturer's protection is that his warranty is confined to the time when the goods leave the control of the manufacturer, and this does answer several of the criticisms made of the Bill. However, it does not seem reasonable to me that the manufacturer should be liable to any consumer other than the first purchaser by retail. In practice, a retail purchaser other than the first purchaser would have difficulty in establishing his case against the manufacturer. Nevertheless, to continue the new concept of liability by the manufacturer to the retailer beyond the first retailer is to me unnecessarily comprehensive and demonstrates the lack of interest by the Government in the rights of the manufacturer.

The only justification I can see for this definition in this form to include "any person who derives title to the goods through or under any such person" is to cover the position of the donee, the person who is given goods, say, for a birthday present. That person should be protected, but I consider that the definition of "consumer" should be amended so that, in the case of a sale from retailer to consumer, the protection of the Bill is confined to the first sale.

I believe the definition of "express warranty" in this same clause is too wide, extending as it does to any assertion the natural tendency of which is to induce a reasonable purchaser to purchase the goods. This would extend to any statement however wide and statements which went beyond the quality and capabilities of. the goods. Admittedly, such wide statements are likely to be oral and difficult to prove. Nevertheless, the Bill should not open the door too wide. I think that the term "express warranty" should be confined to assertions in relation to the quality of the goods and their fitness for any particular purpose.

I refer in this same clause to the definition of "written warranty". I have noted that the written warranty is confined to the first sale by retail. The fact that the Government has seen the logic of confining the giving of a written warranty to the first sale by retail seems to me to be a strong argument for expecting the Government to acknowledge the logic of confining liability under the statutory warranty in the same way to the first sale by retail. I have noted the position in respect of goods manufactured interstate. There has been some comment about this in the press and, given the concept of the Bill, I cannot see any difficulty here. If goods manufactured, say, in Victoria, are sold in South Australia, then the consumer in South Australia is given the same rights for breach of warranty against the manufacturer in Victoria as he is given against the manufacturer in South Australia.

The provisions of the Federal Service and Execution Process Act would enable the right to be enforced. The matter of component parts in a motor car has been raised, and this is a difficult question, but I believe the situation in the Bill is clear. The seller of a car is not warranting that each individual part as such is of merchantable quality: he is warranting that the car as a whole and as such is of merchantable quality. I cannot think of any suitable

amendment or any suitable way of clarifying this further. Any other approach to the problem probably creates more difficulties and complications than it cures.

I refer to the term "merchantable quality", which is used in clause 4 of the Bill and which some honourable members might feel is too wide and too vague. I point out that the term is used in the Sale of Goods Act, and has been a recognised term in the law of sale of goods for centuries. There is much case law concerning the meaning of this term, which can be said to be well defined at this stage. Regarding possible conflict with other State and Commonwealth laws such as the Trade Practices Act, I cannot see any considerable difficulties in this area. This Bill itself gives certain specific rights to consumers and while the consumers may have other rights, and while other persons concerned may have other obligations, I cannot see that this Bill actually conflicts with other legislation. It is fair comment to say in respect of clause 9 that except in minor and trivial matters regulations should relate to form and not to substance. Clause 9 (*b*) may be too wide. It provides:

> The Governor may make such regulations as he thinks necessary or expedient to prevent any misleading practice in the use of written warranties, and, without limiting the generality of the foregoing, those regulations may . . .
>
> (*b*) prescribe, or regulate, the conditions or limitations to which they may be subject;

This implies that the Government may not, by regulation, regulate the substance of any warranties but may, by regulation, limit any condition or limitations such as restricting the warranty to a particular use of the goods. I do not know that the matter is very important but I feel that the power to restrict conditions or limitations by regulation is too wide. Conditions or limitations could be virtually excluded by regulation. It should be remembered that the statutory warranty would apply in any case. The lettered paragraphs are said not to restrict the generality of the earlier part of clause 9 and I do not really think that paragraph *(b)* is necessary at all. As I said when I dealt with the Bill in detail, with these exceptions the Bill is well drafted to carry out the purpose outlined in the Minister's explanation. Apart from those points that I have raised I do not quarrel with the clauses of the Bill. I query whether the Bill is necessary at all, and I will listen with care and attention to what other members may say on the necessity and desirability of this piece of legislation.

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

ABORIGINAL LANDS TRUST ACT

Adjourned debate on the resolution of the House of Assembly:

That this House resolves that pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, a recommendation be made to the Governor that those pieces of land being sections 553 and 565, hundred of Adelaide be vested in the Aboriginal Lands Trust.

(Continued from March 11. Page 2759.)

The Hon. C. M. HILL (Central No. 2): The motion seeks to transfer to the Aboriginal Lands Trust sections 553 and 565 of the hundred of Adelaide. The land fronts Shepherd Hill Road in the Eden Hills area and is generally known as the old Colebrook Home site. The total area of the site is 6.5 hectares. In his explanation, the Minister said that the vesting of this land in the Aboriginal Lands Trust would ensure future development of the property in ways determined by the Aboriginal people of South Australia themselves and to their greatest benefit.

I support the motion although, in saying that, I should like to bring one or two matters to the Government's notice. I have been told by residents living in the area near this land that this land and the area adjoining, which is the existing Eden Hills recreation ground (which comprises about 9 ha) would complete an ideal total recreation area for the community in that part of metropolitan Adelaide. Residents have told me that this is by far the better piece of land when one compares the existing recreational ground and the Colebrook Home site.

For years, the local people have dreamed of having an oval for their own recreational purposes, and this is, I believe, the only site upon which an oval could be built. I understand from such people that representations were made to the Government by their council for the use of this land although, from what I can gather, that approach was refused. The attitude of these people is not in any way against the cause of Aborigines, nor do they wish to take from the Aboriginal Lands Trust the opportunity to develop a site that is suitable for a purpose deemed by Aborigines to be the best to suit their purposes.

It has been pointed out to me that this land falls in a zoning area known as R.l.C, and I understand that this, means that only single-unit and semi-detached dwellings can be constructed there. To enable other types of building development to be undertaken, regulation 41 under the Planning and Development Act must be invoked and the land removed from zoning. That procedure includes going to the local people to obtain consent. It has also been pointed out to me that the situation regarding transport raises the question whether Aborigines would find this situation in metropolitan Adelaide suitable to them.

I therefore make the point to the Government (because it could well be approached at some time in the future regarding the development of this site by the Aboriginal Lands Trust) that it might be possible, and to the advantage of all concerned, including the trust, to find another site more suitably situated from the trust's point of view. Such land could be of about the same value, and could be exchanged for this subject site so that all concerned would be satisfied.

In saying that, I am not opposed to the trust's obtaining the site. However, I recognise that this Southern Hills area is considerably distant from the northern parts of metropolitan Adelaide through which Aborigines travel in many instances when they come from the North of the State to Adelaide, and that it is also considerably distant from the Rosewater area, where, at one stage, Aboriginal people told me they would like a hostel erected for their own purposes.

In this situation, the best possible advantage may not be gained by Aborigines if they are able to develop this land by way of a hostel or for some other residential purpose. This is undoubtedly a valuable site, and I believe Aborigines should obtain full value for it. However, it is a matter of being realistic and somewhat flexible in future planning. It may well be possible to arrange matters to the further benefit of the Aboriginal Lands Trust and in such a way that local residents in the Eden Hills area can obtain their recreational area in its complete form, as they have hoped to do for years.

I am not sure whether I referred to this aspect previously, but the local council approached the Government to purchase the property, albeit unsuccessfully, which I can well understand. I thought it proper that I should raise this point: that it may be possible for the Aboriginal Lands Trust, in conjunction with the Government, by way of negotiation and discussion, to obtain full value for the title that is being transferred to it as a result of this motion and, indeed, to help Aborigines even more than they will be able to help themselves if they retain the site and if, in

future, questions arise regarding the best possible use that can be made of the title being transferred. I wholeheartedly support the motion and the transfer of the land to the trust.

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

LISTENING DEVICES ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendment: No. 1 Page 1, line 9 (clause 2)—Leave out the clause.

The Hon. A. F. Kneebone having moved:

That the House of Assembly's amendment be agreed to.

(Continued from March 11. Page 2759.)

The Hon. C. M. HILL: I understand that an honourable member who was interested in this Bill is unable to be present in the Chamber. Would the Chief Secretary be willing to provide a further opportunity (perhaps tomorrow) for that honourable member to speak?

The Hon. A. F. KNEEBONE (Chief Secretary): Much legislation is on the Notice Paper, and the Council will be very busy next week. It is not much good, therefore, our putting off everything until then. It would be like the rush we used to get at the end of each session, with honourable members saying, "We have so many Bills to consider."

The Hon. R. C. DeGARIS (Leader of the Opposition): I think the Chief Secretary has made a fair plea. If the Government wants to work, we are willing to work until all hours of the night. The pressure in the last few weeks has always been difficult with extremely complex Bills, but this one is not difficult. The motion is already before the Chair that the Committee accept the House of Assembly's amendment, and I oppose the motion.

The Hon. Sir ARTHUR RYMILL: In view of what the Chief Secretary has said, I suggest the matter should be proceeded with. I do not ask that progress be reported.

The CHAIRMAN: The question is, "That the amendment be agreed to."

The Hon. A. F. KNEEBONE: This is an amendment the Legislative Council has put in, to which the other place has disagreed. We are insisting on our amendment. Isn't that the position?

The Hon. Sir ARTHUR RYMILL: The Government introduced the Bill here, and the Hon. Jessie Cooper's amendment was inserted. The Bill has gone to the other place as a complete Bill not as an amended Bill, because it was initiated in this Chamber. It now comes back with an amendment from the other Chamber.

The Hon. A. F. KNEEBONE: And I have moved that the Committee agree to the amendment of the other place.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, B. A. Chatterton, T. M. Casey, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (12)—The Hons. J. C. Burdett, M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 6 for the Noes.

Motion thus negatived.

SHEARERS ACCOMMODATION BILL

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

ADJOURNMENT

At 5.32 p.m. the Council adjourned until Thursday, March 13, al 2.15 p.m.