# LEGISLATIVE COUNCIL

Thursday, December 9, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

## ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Criminal Law Consolidation Act Amendment,
Evidence Act Amendment,
Industrial Safety, Health and Welfare Act Amendment,
Local Government Act Amendment,
Local Government Act Amendment (No. 4),
Long Service Leave (Building Industry) Act Amendment,
Mobil Lubricating Oil Refinery (Indenture),
Motor Vehicles Act Amendment (No. 2),
Pay-roll Tax Act Amendment (No. 2),
Railways Act Amendment,
Superannuation Act Amendment (No. 2).

## KANGAROO ISLAND SETTLERS

The PRESIDENT laid on the table the report by the Parliamentary Committee on Land Settlement on its investigations into the financial problems of war service land settlement lessees on Kangaroo Island.

## ELECTORAL ACT AMENDMENT BILL (No. 4)

At 2.19 p.m. the following recommendations of the conference were reported to the Council:

*As to amendments Nos. 1 and 2:*

That the Legislative Council do not further insist on its amendments but make the following amendments in lieu thereof:

Clause 14, page 5, lines 14 to 16—Leave out all words in these lines and insert:

"73a. (1) A prescribed postal elector may apply for registration as a general postal voter."

Clause 17, page 6, lines 12 and 13—Leave out all words in these lines and insert the following:

"(*a*) the applicant is a prescribed postal elector."

and make the following further amendment to the Bill:

Clause 4, page 1, line 14—After "is amended" insert:

"—

(*a*) by inserting after the definition of "officer" the following definition:

"prescribed postal elector" means an elector who satisfies the Electoral Commissioner

(*a*) that if he were resident, on a polling day, at his usual place of living, he would be entitled to have delivered or posted to him a postal vote certificate and a postal ballot-paper pursuant to section 75 of this Act;

and

(*b*) that, by reason of the infrequency of the mail service available to him at that place of living, it would not be reasonably practical for him to exercise the right to vote provided for by that section on that polling day: ;

and

(*b*)"

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

This was one of the better conferences. Both Houses went into the conference aware of the principle of what was wanted by both Houses. There was some difficulty about the wording used by the Legislative Council, but there was agreement in principle on the matter, and the conference found a way of devising suitable wording, believing that this would allow most of the people concerned to exercise their vote at a general election. I thank the other members of the conference for the way in which they worded the amendment. The Hon. Mr. DeGaris and the Hon. Mr. Whyte were concerned about this. They will no doubt wish to elaborate on the new amendments and I trust that honourable members opposite will agree to the recommendations.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the views of the Minister in this matter. The Hon. Mr. Whyte introduced this concept of postal voting into a Bill some nine months ago and thought that that Bill would have achieved the purpose he wanted—a general postal voters' roll for the persons involved; but the Government would not accept that Bill. It then introduced its own Bill, but this Council was not satisfied with the means by which a general postal voters' roll could be compiled. What the Minister has said is true, that in the end neither the Hon. Mr. Whyte's original concept nor the Government's original concept was as good as this compromise. It means there will not be a very large postal voters' roll; it will be confined to those people who, because of infrequent mail services, are in a position where they may not be able to cast a valid vote in an election. It is a worthwhile compromise between the two views and it overcomes the problems originally foreseen by the Hon. Mr. Whyte; also, it adequately covers the intentions of the Government.

The Hon. A. M. WHYTE: This morning's conference was further proof of the value of conferences. The result was that all the fears of both groups involved were proved to be completely unfounded. A solution that was mutually acceptable was quickly reached. The measure now does things that both Parties were keen to achieve. It fulfils the purpose for which I introduced amendments about nine months ago, and it fulfils other provisions that the Government was keen to introduce. The outcome of the conference was most satisfactory, and I support the motion.

Motion carried.

*Later:*

The House of Assembly intimated that it had agreed to the recommendations of the conference.

## QUESTIONS

### DAIRYING INDUSTRY

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. C. BURDETT: I refer to the recent Industries Assistance Commission dairy report recommending measures to restrict dairy production across the board in Australia by the use of a market entitlement scheme, which is virtually a quota system. The problem in the past

has been with the world marketing situation. Some heavily subsidised European dairy industries stockpiled or dumped their products on the world market. This position no longer obtains and the world market is reasonably viable. Moreover, because of adverse seasonal conditions, Australian stocks have run down and it seems that the market entitlement scheme, if implemented, would render inoperable the South Australian Metropolitan Milk Equalisation Scheme, which is regarded as the best scheme of its type in Australia. The I.A.C. recommendation also strikes at the South Australian cheese industry, which is also recognised as the most efficient industry in Australia in terms of quality performance. Also, there has been a large investment in effective and efficient plant in this State by the cheese industry and the I.A.C. plan would react adversely against the South Australian industry. For example, the Japanese market, which is one of our main oversea markets, prefers South Australian products. It has nominated the areas from which it wants such products, and that includes South Australia. Japan specifically wants South Australian goods, and the overall amorphous scheme, which is suggested by the I.A.C. to restrict production across the board, would react most unfavourably against South Australia's oversea market. What is the Minister's attitude to the I.A.C. plan?

The Hon. B. A. CHATTERTON: I am pleased to see that the honourable member has been reading my press releases, as I recognise that much of what he has said is contained in the releases I have been putting out. First, I refer to the position of market entitlements. I think there may be a little bit of misunderstanding there. It is not really a quota; it is really a market entitlement. A limitation on production is normally implied in a quota system.

The Hon. J. C. Burdett: It comes close to it.

The Hon. B. A. CHATTERTON: Yes, but it is not exactly a quota. It is an attempt to put forward price signals. If the price signals for non-entitlement milk are low, it virtually becomes a quota, but it is not a quota in the sense that that is the only amount of milk that will be received. It is not a quota in the sense that it is the only amount of milk that is allowed to be produced. It is an attempt to get through to the producer the real price of his product expressed in a series of pools. On present indications, the honourable member is correct: non-entitlement milk would be of a very low value indeed, but the concept is not exactly the same as a quota. It is an attempt to get price signals through: it is not an attempt to put a physical restriction on production. Regarding the other points raised by the honourable member, I am well aware of the problems facing South Australia's cheese industry, which has a remarkably good record for efficiency, quality, and market development. The problem that concerns me greatly is that, while the Japanese prefer South Australian cheeses, if there is any readjustment in the Australian market resulting in South Australian cheeses not going on to the Japanese market, the custom would not be transferred elsewhere in Australia but to other countries. So, the type of marketing plan put forward would be a great disadvantage not only to South Australia but to Australia as a whole. The gross revenue of the whole industry would fall. I have put this point strongly at Agricultural Council meetings so far, and I will continue to do so.

Stage 1 of the Industries Assistance Commission's report envisages Commonwealth legislation to carry out equalisation of dairy products compulsorily. At present the equalisation is being done voluntarily, because the incentive that was provided by the bounty has disappeared. So, equalisation has been voluntary. Some factories in Australia have withdrawn from equalisation. Stage 1 is recommended to become compulsory by a system of levies or sales taxes charged by the Commonwealth. These taxes would then be reimbursed to equalise the returns. I have been very concerned about this form of equalisation, under which the report envisages the removal of all forms of incentive for quality production and good milk. Representatives from the South Australian Agriculture and Fisheries Department at meetings of the working party and the standing committee on the dairying industry have put my view very strongly, and I have made statements on a number of occasions to this effect. Stage 2 of the Industries Assistance Commission's report envisages the market entitlements to give the price signals to the farmers, but we must not be too optimistic about stage 2. While all States have accepted the principle of stage 2 in terms of getting the price signals to the farmers, when it comes down to hard bargaining between the States as to what each State's entitlement will be, I am not nearly as optimistic about agreement being reached. While the principle is accepted, the actual agreement is probably further away than many people believe.

Finally, there is one other problem, in that there is a fundamental conflict of interests between the manufacturers and the dairy farmers. For obvious reasons, the manufacturers want to maintain the throughput of their factories, on which production they can spread their overheads. On the other hand, the dairy farmers want the best return from their milk. Although this conflict may not be great in South Australia, it is certainly great in other States, where dairy factories are saying that the situation is more optimistic in terms of world markets and what they can produce. On the other hand, dairy farmers are looking at the matter in a different way: although they can produce some of these products they fear they will receive a low return from them. One of the great difficulties facing the State Ministers and the Commonwealth Minister at Agricultural Council is that of trying to resolve the conflict of views between the manufacturers and the producers.

## AGRICULTURE AND FISHERIES DEPARTMENT

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

Leave granted.

The Hon. M. B. DAWKINS: My question concerns the reported reorganisation of the Agriculture and Fisheries Department following the change from the old Agriculture Department to the present combined department. Will the Minister say whether it is true that a major reorganisation is taking place, or is about to take place, in relation to the department and its staffing arrangements? Also, is it true that most, if not all, senior officers have been deprived of or (if that is perhaps too strong a word) have been at least temporarily suspended from their present positions and that they must reapply for same, with no certainty of appointment? If this has not already happened, is it intended to proceed in this way in future? Will the Minister also say whether any other alterations to the department and its staff are contemplated?

The Hon. B. A. CHATTERTON: Although there have been some reorganisations in the Agriculture and Fisheries Department, this has not meant that any person employed in the department has lost his position or has been asked to reapply for it. The reorganisations that have taken place

involve two major areas. I refer, first, to the Economics and Marketing Branch which has been established and to which a branch head has recently been appointed. I refer, secondly, to the reorganisations that have taken place within the Extension Branch to upgrade the facilities and positions of people therein. Those are the two major reorganisations that have taken place in recent months.

## FORESTRY PLANTINGS

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

Leave granted.

The Hon. R. A. GEDDES: In the preliminary draft report on the Southern Flinders Range put out by the State Planning Authority it is stated that the Woods and Forests Department holds extensive areas of land north of Melrose that are still in their native state. The report also states that the department should not alter the character of the natural vegetation or plant any exotic trees in the area. I am familiar with this stretch of country. It has always been considered that, with the need to produce more timber, the Woods and Forests Department would ultimately make use of the land for growing *pinus radiata*. Will the Minister say what action it is possible for the Government to take to ensure that the use of this Crown land will not be impeded, if it is thought necessary in future to clear the land and plant it to pines for timber production?

The Hon. B. A. CHATTERTON: It is not the Government's policy to clear native vegetation for pine plantations. We are using farm land and, on fairly rare occasions, scrub land not considered to be of any value for conservation purposes. Without knowing the particular area that the honourable member has mentioned, I say that, if it is an area of natural forest land and scrub worthy of preservation, we will continue to keep it in that state and not use it for pine plantations.

## FENCING MATERIAL

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply to a question I asked recently regarding fencing material?

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy has informed me that the possible manufacture of wrought iron at Whyalla for us in fencing material has been examined but is not considered to be an economic proposition. The cost of setting up and operating a special wrought iron plant would make the fencing much more expensive than the present material produced, especially at Whyalla, which is near the source of high grade iron ore. Consequently, only small savings would be made by the use of low-grade ores and it would be cheaper to use a special rust-resistant steel for the fencing materials if corrosion resistance was required. It appears that large scale wrought iron manufacture has now ceased throughout the world, even in those countries where only low-grade iron ore is available. The process is labour-intensive and is not competitive with ordinary steel manufacture. True, wrought iron requires hand puddling with consequent hard manual labour. The "aston" process, which was introduced to eliminate this labour, requires the use of the normal steel-making processes, followed by a controlled introduction of slag to make an artificial wrought iron, but even this process seems to have lost favour now.

## RACING FUNDS

The Hon. A. M. WHYTE: I ask leave to make a statement prior to asking a question of the Minister of Agriculture, in the absence of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. A. M. WHYTE: I should like the Minister to find out the amount paid from the Racecourse Development Fund to all country trotting clubs and the metropolitan trotting club in the past financial year.

The Hon. B. A. CHATTERTON: I will refer the question to my colleague, asking him to write a letter to the honourable member on the matter.

## ALMOND GROWERS

The Hon. M. B. DAWKINS: The Chief Secretary has informed me that he has an answer to a question I asked of the Minister of Lands on November 23 concerning the problem of almond growers on the Adelaide Plains with water quotas.

The Hon. D. H. L. BANFIELD: Because of the below average rainfall in the northern Adelaide Plains, a close watch has been kept on the relationship between usage and the underground water allotments approved for all water users in the area. The northern Adelaide Plains Water Resources Advisory Committee is carefully investigating the present situation and it is anticipated that a recommendation will be made to the Minister of Works within the next few weeks.

## CAPITAL PUNISHMENT

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Leader of the Opposition.

Leave granted.

The Hon. N. K. FOSTER: We now, of course, have seen this morning's newspaper and the publication of the statement made by the Leader of the Opposition last night during the course of one of the debates. I was rather surprised to receive a telephone call from a citizen early this morning who had never thought that capital punishment was a deterrent to murder. I must make the remark that I would never consider it to be so, but the ultimate insult, having committed a capital offence, was not that one could be hanged but be hanged by a scoundrel like the Hon. Mr. DeGaris—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I therefore ask the honourable gentleman if, when he made that statement to the Council last night during that debate, he considered that the offer he made was in fact, or was capable of being, a deterrent to committing a capital crime.

The PRESIDENT: I do not think the honourable member is called upon to answer that question.

The Hon. R. C. DeGARIS: If one holds a view then one cannot shirk one's responsibility concerning that view. The Hon. Mr. Foster was a member of the armed services and I do not think he shirked any responsibility there, either.

## GAWLER TO HAMLEY BRIDGE ROAD

The Hon. M. B. DAWKINS: The Chief Secretary has informed me that he has an answer to a question I asked on November 25 of the Minister of Lands concerning the Gawler to Hamley Bridge Road.

The Hon. D. H. L. BANFIELD: No work is proposed on the Gawler-Wasleys-Hamley Bridge Road in the foreseeable future. The road is under the care, control and management of the District Council of Mudla Wirra.

## ELECTRICITY COSTS

The Hon. R. A. GEDDES: I asked the Minister of Agriculture, representing the Minister of Mines and Energy, a question on November 23 concerning electricity costs. I understand he has a reply to that question.

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy states that coal exploration drilling has been undertaken by, and at cost to, the Electricity Trust of South Australia for almost 30 years. Thus, there is no departure from previous practice as regards funding of current programmes of coal exploration and it is considered to be quite acceptable that such costs should be borne by the ultimate consumers of electric power. It is apparent that exploration costs are quite insignificant when compared with those associated with the mining and transport of coal and the generation of electricity.

## KANGAROO ISLAND SETTLERS

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture, representing the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: Early today the report was tabled of the Parliamentary Committee on Land Settlement on the problems of war service land settlers on Kangaroo Island. I am pleased that the committee has concluded its work. Can the Minister say, first, was it necessary for this document to be tabled in Parliament; secondly, who made the decision to table the document; and, thirdly, was it necessary to include the appendix to the report in the tabling of the document?

The Hon. B. A. CHATTERTON: I will convey the honourable member's question to the Minister of Lands and ask him to reply to the honourable member by letter.

## UNEMPLOYMENT

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my recent question about unemployment?

The Hon. D. H. L. BANFIELD: My colleague the Minister of Labour and Industry has furnished me with the following reply:

Naturally, I am concerned with the high rate of unemployment partially caused by restrictive spending by the Federal Government and its inability to fulfil its election promise to restore business confidence. I am particularly distressed by the parlous state of the metal trades industry, which is the core of our manufacturing sector. In fairness, I must point out that a company such as Bradford Kendall Foundries, which concentrates its production so exclusively on one product and one customer, will, of necessity, suffer more severely if that area of demand dries up. In my capacity as Minister of Labour and Industry, I am in no position to press for an increase in orders for heavy railway equipment and I understand that the responsible Minister, my colleague the Minister of Transport, is hamstrung for the remainder of this financial year by a restriction on Federal funds earmarked for this purpose.

The options for Bradford Kendall appear to be threefold: (*a*) diversity into the steel casting area, which could take customers away from other companies; (*b*) diversity into the area of cast iron and non-ferrous metal castings, which again would involve competing with existing founders; and (*c*) producing their own products in a new line, which involves problems with a lack of suitable tooling and products. In the long term, if the Federal Government continues to place higher priority on capital-intensive mineral and rural projects to the detriment of the labour-intensive manufacturing sector, the prospects for the metal trades industry look dim indeed.

---

## BEVERAGE CONTAINER ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 8. Page 2892.)

The Hon. C. M. HILL: It would appear that this Bill is brought into the Council to correct an error of the Government. The Government, I would think, rushed in and proclaimed the date when the Beverage Container Act was to commence and then realised that some undesirable containers would possibly flood the market prior to that date. As a result of that realisation the Government has brought this Bill before us. It would appear that the Government did not foresee the risk it was taking when it made its proclamation. To help the Government out of its difficulties I support this Bill.

Regarding the subjects of deposits on containers and can collection depots, which the Minister mentioned in his second reading explanation, these provisions cannot apply until the appointed day has been proclaimed in accordance with section 5 of the original Act. A perusal of page 1548 of the *Government Gazette* dated November 4 of this year reveals that the appointed day has now been proclaimed as July 1, 1977, this proclamation being made at the same time as the one proclaiming the commencing of the Act. It is this latter one which should not have been made and which this Bill is, in effect, superseding.

I trust the Government will be cautious in its approach to regulations which, I assume, are in the course of preparation, in regard to the debates that took place in this Council when the original legislation was passed. Also, I trust that the plans to establish can collection depots during next year will be implemented with care and responsibility. By this, I mean that council zoning must be respected, and that these aesthetically unattractive establishments will not offend against accepted environmental standards. With these brief remarks. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I will not delay the matter any further, except to say that I agree with the Hon. Murray Hill's view on this measure. As I understand it (and I think the Government will confirm it) the aim of this legislation is to take action in regard to what one may term the throw-away bottle, which is a hazard in our community, particularly the thin glass bottle with a plastic coating that has been coming into this State. If that is the Government's only intention with this legislation, for that reason I shall support it, but I should like an assurance that that is the only intention of the Government. The original legislation was introduced as a means of placing a deposit on containers. The Bill had a rather difficult passage through the South Australian Parliament, ending in a conference where it was clearly indicated by the managers from this Council, and

particularly those whom I lead, that when regulations came down the maximum deposit we would consider as being reasonable at that stage was 2c. I repeat those thoughts now. Provided the object of the Bill is only to handle the question of the non-returnable throw-away bottle, especially the thin bottles covered with a plastic coating, and bottles of that nature, I am satisfied to support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for their attention to this Bill. I give honourable members opposite the assurance sought and point out that that is the Government's only intention in this Bill.

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

## COUNTRY FIRES BILL

In Committee.

(Continued from December 7. Page 2805.)

Clause 24—"Fire control officers."

The Hon. M. B. DAWKINS: The Minister will have had time by now to consider the amendment I moved when we last dealt with this Bill.

The Hon. B. A. CHATTERTON (Minister of Agriculture): There has been considerable discussion on this amendment. I am prepared to accept it as part of a series of amendments in relation to clause 51.

Amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26—"Compensation."

The Hon. A. M. WHYTE: I move:

Page 10, after line 30 insert subclause as follows:

(3) The board has an absolute discretion to enter into contracts of insurance in respect of its liability to pay workmen's compensation to persons to whom this section applies with such insurer or insurers as it thinks fit but it shall not enter into any such contracts until it has, by public advertisement, called for tenders from insurers in relation thereto and has considered all tenders submitted in response to the advertisement.

Its purpose is to ensure that the board has the power to negotiate the best possible deal on behalf of the Country Fire Services. It should not be restricted or hampered in any way.

The Hon. B. A. CHATTERTON: I do not believe the amendment is really necessary because the board has that power. It is merely a question of crossing a few t's and dotting a few i's, although I cannot really object to the amendment.

The Hon. A. M. WHYTE: Although I accept the Minister's explanation, I believe the i's and the t's should be dotted and crossed. Therefore, I insist on my amendment.

Amendment carried; clause as amended passed.

Clauses 27 to 49 passed.

Clause 50—"Power of board or council to order clearing of land."

The Hon. M. B. DAWKINS: I move:

Page 20, lines 44 and 45—Leave out subclause (8).

This amendment is consequential, especially in view of the earlier amendment moved by the Hon. Mr. Burdett. Subclause (8) is redundant.

The Hon. B. A. CHATTERTON: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 51—"Power of fire control officer in controlling and suppressing fires."

The Hon. B. A. CHATTERTON: I move:

Page 21—After line 43 insert subclause as follows:

(6) Where there is a fire upon a Government reserve, and the person in charge of the reserve, being a prescribed officer or a forester, is present at the scene of the fire, a fire control officer shall not exercise any power conferred by this section upon the reserve except with the approval, and subject to any directions, of that person.

This amendment is a reasonable compromise between the two amendments that were previously on file.

Amendment carried; clause as amended passed.

Clauses 52 to 54 passed.

Clause 55—"Power of fire control officer to inspect premises."

The Hon. M. B. DAWKINS: I move:

Page 23, lines 11 to 13—Leave out subclause (2).

I understand that the Government accepts that this provision is unduly restrictive.

The Hon. B. A. CHATTERTON: I am pleased to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 56 to 60 passed.

Clause 61—"Misuse of fire alarms, etc."

The Hon. M. B. DAWKINS: I move:

Page 24—After line 18 insert subclause as follows:

(3) A person shall not, without lawful authority, destroy, damage or interfere with any vehicle or fire-fighting equipment of a C.F.S. organisation.

Penalty: One thousand dollars.

I have not included in the penalty provision a term of imprisonment for six months. I subscribe to the view that people should clearly see what the penalty is in such a matter. Havoc would be created if such equipment were destroyed and were not readily available when needed.

The Hon. B. A. CHATTERTON: I am willing to accept the amendment for the sake of consistency, because it is important that we do not include a penalty of a term of imprisonment.

Amendment carried; clause as amended passed.

Clause 62 passed.

Clause 63—"Onus of proof."

The Hon. M. B. DAWKINS: I move:

Page 24, lines 21 to 23—Leave out subclause (1).

As I do not believe that reversing the onus of proof is desirable, and as subclause (2) is adequate, I consider that subclause (1) should be struck out.

The Hon. B. A. CHATTERTON: The provision was not used in the old Bush Fires Act, and I am willing to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 64 and 65 passed.

Clause 66—"Appropriation of penalties."

The Hon. M. B. DAWKINS: Although I previously intended to amend this clause, I do not now intend to proceed with my amendment.

Clause passed.

Clause 67—"Regulations."

The Hon. R. A. GEDDES: I move:

Page 26—After line 5 insert subclause as follows:

(3) The board shall, as soon as practicable after regulations are made under this section, send copies of the regulations to all C.F.S. organisations.

More and more regulations are created because of the need for flexibility. I am concerned that when subsequent regulations are gazetted the Country Fire Services and other

organisations will not be familiar with them and could be jeopardised either through ignorance or by breaking the law. The amendment gives the responsibility to the board to distribute regulations to all C.F.S. organisations after they are gazetted.

The Hon. B. A. CHATTERTON: I do not believe the amendment is necessary. It puts the responsibility on the board, whereas it should be on the councils. I oppose the amendment, but I assure the honourable member that the intention he has in mind will be carried out. It is obviously essential that all C.F.S. organisations be kept up to date in connection with amendments to regulations.

The Hon. R. A. GEDDES: Having been swayed by the Minister's eloquence, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 68 and title passed.

Bill recommitted.

Clause 5—"Interpretation"—reconsidered.

The Hon. B. A. CHATTERTON: I move:

Page 4—

After line 20—Insert "and".

Lines 24 to 26—Leave out all words in these lines.

As a result of other amendments to the Bill, paragraph (*d*) of the definition of "owner" is now redundant.

Amendments carried; clause as amended passed.

Bill read a third time and passed.

*Later*:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

## TRADE MEASUREMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 8. Page 2879.)

The Hon. J. A. CARNIE: I support the Bill. Perhaps one of the few objections I have to it is that it will probably extend further an arm of bureaucracy in the Public Service. One wonders whether to a certain extent it is a case of empire building. Since 1971, when inspection under the Weights and Measures Act was transferred from local government to a separate department, there has been a steady increase in the size of that department. Under the Weights and Measures Act, 1971, local government has two representatives on the advisory council; so, local government is still involved in the matter of weights and measures. The department that now administers the legislation has 30 inspectors, and it is obvious from this Bill that, to carry out the requirements of the legislation, there must inevitably be an increase in the number of inspectors; the size of the increase remains to be seen.

As the Minister said in his second reading explanation, the titles of "Warden of Trade Measurements" and "Deputy Warden of Trade Measurements" have been changed to "Commissioner for Standards" and "Deputy Commissioner for Standards" respectively. This is a good move, because the term "Commissioner" is well understood in the community, particularly in connection with consumer protection, which is dealt with by this Bill. The Bill also amends the principal Act to provide for additional protection for the consumer concerning goods for sale. Section 34 (1) of the Weights and Measures Act, 1971, provides:

If any article sold by mass, measure, or number is upon sale or for the purpose of sale delivered to the purchaser or to some person on behalf of the purchaser short of the mass, measure or number purporting to be sold or delivered, the person selling the article or causing the same to be delivered shall be guilty of an offence against this section.

Clause 12 of this Bill adds the following new subsection to the section I have just quoted:

(1a) If any article offered or exposed for sale by reference to its nature, quality, purity, class, grade, gauge, size or octane rating is upon sale or for the purposes of sale delivered to the purchaser or to some person on behalf of the purchaser and on delivery or sale is of different nature, quality, purity, class, grade, gauge, size or octane rating to that offered or exposed for sale, the person selling the article or causing the same to be delivered shall be guilty of an offence against this section.

In other words, clause 12 broadens the requirements, and it provides that the penalties will be the same as for selling short in terms of mass, measure, or number. While everyone believes that the consumer is entitled to all possible protection under the law, in measures like this we must be careful that we do not throw an unjust burden on the seller; much consumer protection legislation introduced by this Government has done just that. My first thought on reading clause 12 was, "The Government has done it again." The range of things that a final seller or wholesaler has to take into account has been considerably broadened, and it is not possible for such business men to know these things. For example, a delicatessen owner cannot be expected to know about the quality and purity of the flour that goes into the bread he sells. Further, a pharmacist, who buys tablets in bulk, has no way of checking whether the purity of the tablets is as stated on the label. Again, a petrol reseller cannot be expected to know whether the supplier has already mixed "super" petrol with "standard" petrol. This was the example cited in the Minister's second reading explanation. In view of petrol discounting and petrol shortages, this may be the reason for the Bill. The reseller can certainly know the mass, measure and number of the articles he is selling, because these aspects can be easily checked; in such cases, the reseller should be liable, but it is not always possible to check all the other aspects. I therefore consider that this Bill could place an unfair burden on the reseller. However, an examination of the principal Act shows that some protection is already written into it in section 41, which provides:

It shall be a sufficient defence in any proceedings under this Act if the defendant proves to the satisfaction of the court that the offence was due to a *bona fide* mistake or an accident or to any other cause beyond his control and in spite of all reasonable precautions being taken and all due diligence exercised by him to prevent the occurrence of the offence or was due to the action of a person over whom the defendant had no control.

So, although there is some protection for the reseller, this places a burden (that is, the onus of proof) on him. Such a person could still be charged and taken to court, and he would have to prove that he was innocent of the charge, when in many cases it would be patently obvious that he could not have known that the article sold was not of the required quality, purity, and so on. Nevertheless, if we are to have consumer protection, this cannot be done any other way. In his second reading explanation, the Minister said:

At present, the Trade Measurements Branch has no powers in this area —

that is, in the control on quality, and so on—

and the proposed amendments will extend the service which the branch can give to the consumer in cases in which the quality or grade of an article for purchase is a matter of importance to the consumer.

The Bill also increases the penalties for offences against the Act to bring those penalties more into line with the

current value of money. Thirdly, the Bill deals with the regulations relating to metric conversions. One provision is retroactive, in that it validates some regulations that have already been made, particularly those made since July 31 last year. Like most Opposition members, I do not like retroactive legislation. Nevertheless, I will concede that in this case it is necessary to validate things that have already been done in the process of metric conversion in this country. I support the second reading.

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

## SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

In Committee.

(Continued from December 8. Page 2893.)

Clause 4—"Interpretation."

The Hon. B. A. CHATTERTON (Minister of Agriculture): A clerical error has been made in the drafting of the Hon. Mr. Whyte's amendment. I do not think the amendment, in its present form, is what the Hon. Mr. Whyte intended. If "an" was amended to "the", the amendment would be acceptable to the Government.

The Hon. A. M. WHYTE: I seek leave to amend my amendment accordingly.

Leave granted; amendment amended.

Amendment as amended carried; clause as amended passed.

Clauses 5 to 11 passed.

Clause 12—"Enactment of Part IVA of principal Act."

The Hon. A. M. WHYTE: I move:

Page 5, lines 1 to 4—Leave out all words in these lines. This amendment is consequential on the amendment that has already been carried. It removes the regulation process which was included in the Bill and which is no longer necessary, the area in question having been defined.

The Hon. B. A. CHATTERTON: I support this consequential amendment.

Amendment carried; clause as amended passed.

Clause 13 and title passed.

Bill read a third time and passed.

*Later:*

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

## MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 7. Page 2806.)

The Hon. A. M. WHYTE: The principal Act was rewritten in 1971-72, and honourable members will recall that during the weeks of that debate much work was done and many arguments ensued. There was much lobbying and correspondence, and many telephone calls and deputations. It took a long time to revise and rewrite the Act. Now we have before us amending legislation of great consequence. I cannot say with certainty that this is the first legislation of its kind in the world and whether we will see—

The Hon. R. C. DeGaris: There is the New South Wales legislation.

The Hon. A. M. WHYTE: The Leader, a former Minister of Mines, played an important part in rewriting the Act. I was about to say that I thought it was the first time in Australia that we have had one type of mining beneath an already established mining enterprise. I do not wish to deny the Minister the privilege of having a "first" in Australia, because so many other Ministers would hope to say that they have such achievements. I would not speak against the Bill just to deny the Minister that privilege, but the measure does make a major amendment to the principal Act and it is a pity that it has been introduced so late in a busy session.

The people involved are those on the Andamooka and Coober Pedy opal fields, which have a population of between 3 500 and 4 000. Their entire livelihood depends on the opal trade, and the understanding that they have had with the Mines Department has provided them with security. The Bill will restrict the enterprise of the opal miners to a depth of 50 metres. Below that level, areas can be mined under the provisions of a mineral lease. True, opal has not been obtained at a depth of 50 metres, but for about 40 or 50 years in the development of the opal fields the miners had been of the opinion that opal was not to be found below the first level.

It was not until about 20 years ago that a group, not having found anything at the first level, dug farther down and found opal at a second level. I knew many of the gougers who were operating after the Second World War. They established that opal could be found at a depth of about 25 metres, but I do not know how much exploration has been done beyond that depth. If we restrict miners to operations to a depth of 150 metres, they may not be able to establish whether there is a third level.

Opal mining elsewhere in the world at a greater depth than 50 metres has not been entirely successful. A good deal of scientific research has been done to harden opals so that they will resist reaction to exposure after being brought up from the depths. I suppose, considering the wonderful things that scientists can achieve, that before long opal will be mined at depth and that, through another process, it will be possible to harden the opal and capitalise on it. I understand that the Argentinians are working diligently on this aspect of opal mining.

I believe that the people who have got a living from the opal fields should be able to express an opinion on this legislation. I give due credit to the Western Mining Corporation for its diligence and enterprise in continuing exploration. It was one of the few groups that was able to withstand the Connor purge, which brought almost all exploration for minerals in Australia to a standstill. Some of the companies involved will never recover. However, Western Mining Corporation had some luck and was able to continue. To that company's credit, it has found a bonanza in copper and it has been reported that perhaps copper in the find east of Andamooka can be compared to the copper find at Bougainville. This is a wonderful thing for Australia.

I suppose much work will have to be done to prove whether the claim can be substantiated and perhaps the company is in the same position as Poseidon, which I understand has plenty of nickel on its leases. The success of all these processes is governed by world requirements for the metal when mined. A Canadian told me, when Poseidon was at its peak, that it seemed strange to him that people were paying colossal prices for shares in nickel operations when Canada had sufficient supplies of that metal to dominate the world market. Western Mining Corporation could face a similar position, despite the jubilation at present.

I wish the company well, but this legislation should have been given to the miners to consider. It is all very well for the Mines Department to say that it sent officers to the area to explain the measure, but the men on the fields are not fools. They include lawyers, doctors, and other responsible persons who should be given a chance to express an opinion. They have asked for a copy of the Bill, and it arrived yesterday morning. They have had that short amount of time to process the Bill and report back on it. I do not want to see any action taken that will in any way inhibit the exploration or development of mineral resources, whether it be copper or any other mineral. By the same token I want to see justice done. I want all people concerned to have the right to analyse most thoroughly the consequences of what is entirely new and extraordinary legislation.

I ask the Minister in charge of the Bill whether there is any great degree of urgency for this measure to proceed through both Houses of Parliament today. I make that request knowing full well that there will be so much controversy that perhaps could be easily avoided if some further time was given for analysis of the legislation. I add further to my claim (that there should not be any urgency) the fact that, according to my experience, drilling and exploration during the summer months in the inland of Australia is curtailed because the climatic conditions are not conducive to this type of work.

I realise, too, if Western Mining pay enough money and are desperate enough for emergency action that, perhaps, it will proceed. But under normal circumstances there would be little work done between now and close to the time when Parliament reconvenes next year. Secondly, having already established a large ore body, it seems unnecessary that we need to push on with legislation which would allow mining under the already occupied precious stones field. Surely if it wishes to go ahead with the development it has sufficient detail to proceed on the already established areas. I would like to see this Western Mining group, which has shown much initiative, given some protection so that someone cannot step on its land. There is some confusion here which I have never been able to accept—why it has not been resolved that "mining" and "prospecting" are not the same thing. Prospecting to me is searching for an ore body or precious stones, or whatever it might be, and the mining is the recouping of those metals having established that they are there. The Act does not say that and it is confusing because it says prospecting can be termed mining.

My main plea in my speech is that there should not be, in my mind, this amount of urgency which seems to be engendered in the second reading explanation. I will now deal with that explanation and I refer to the interpretation, which is consequential on any amendment which may be made to clause 21. I would be prepared to amend this Bill if there was any way we could amend it. I do not think one can amend it. I would have to think very seriously about voting against the whole measure unless we can be given further time to consider it. I should not like to do that, but I believe the necessity for further time to consider it is such that, unless some compromise can be reached on it, I may have to vote against the Bill.

Clause 4 is the next clause that gives me concern. It deals in the second part with the word "dwellinghouse" which is applied to any type of domicile and excludes mining from an area around that dwellinghouse to 400 metres. It deals with section 9 of the principal Act and inserts after the word "dwellinghouse" the passage "not being a dwellinghouse of a class excluded by regulation from the operation of this paragraph". I presume what is intended there is that some dwellinghouses, such as station homesteads, and more permanently established dwellinghouses, can be excluded by regulation. Any other dwelling apart from that is no longer exempt under the provisions of the principal Act. In fact one will be able to mine or request that a dwellinghouse be demolished and taken from the scene altogether. I am not trying to argue for or against this because I am not a miner. What I want is for the miners to consider it.

Clause 9 deals with section 25 of the principal Act, and provides that no-one should remove a mass exceeding one tonne unless authorised to do so by the Director of Mines. This again is a new provision because the principal Act provides that it must be authorised not only by the owner but also by the Director. In this clause we see that the owner of a lease is no longer consulted. In fact, it could be removed from his lease without his having any say at all. Once again, that is an area for discussion.

Clause 11 amends section 28 of the principal Act. I do not mind if we take a little longer to go through this Bill, because we have not had time to consider it in detail. I am putting forward the areas of concern shown by the mining people themselves, who have not had time to consider the Bill properly. For the moment, I cannot see what the main objection is to this clause, but I know there is an objection.

I will skip clause 11 for the time being and turn to clause 16, which prohibits the transferring of a precious stones prospecting permit to a friend or someone else. I think the miners generally want this clause; in fact, they have wanted it for some time. There are many provisions in this Bill that the miners are happy to agree to and have been asking for. I turn now to clause 21, which amends section 51 of the principal Act; it provides:

(2) No person shall be entitled to prospect or mine in the earth below a precious stones field except upon conditions stipulated by the Director.

(3) The provisions of this Act shall apply in respect of prospecting and mining in the earth below a precious stones field with such modifications as may be prescribed.

We can read that in conjunction with the provisions of the principal Act, which provide that we now reserve only the top 50 metres for a precious stones field; anything below that can be mined under a mining lease, and it is no wonder there is agitation there because the miners themselves are not sure what an exploring company will do and what authority it will have to drill within a precious stones field. I do not believe that the local miners wish to deny exploration at a depth below their mining enterprise, but they want to understand exactly what their position is and what a big mining company can do despite what is prescribed in certain areas, which can be covered by regulation.

The Hon. J. C. Burdett: No-one knows what the regulations are.

The Hon. A. M. WHYTE: No-one has a clue. It would be far better if it was laid down in the Act. The people themselves would assist, if given a fair chance. I reiterate that, unless more time is granted for this legislation to be thoroughly considered, I shall be inclined, as much as I support exploration for minerals, to vote against the Bill now, knowing full well that such a Bill could be presented again next session. I support the Bill at this stage.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the idea of strata titles in mining. Whilst I agree with the doubts expressed by the Hon. Mr. Whyte, I should like to report to the Council that I have this

afternoon checked with the other States and found that New South Wales has such a system operating successfully. It has four classes of mining licence. The first class provides for titles extending from the surface to the centre of the earth—a very deep one! The second class of title is from the surface of the earth to a specified depth; the third class of title goes from a specified depth to the centre of the earth; and the fourth class of title is between specified depths (even going so far as to provide for stepped strata titles).

If we examine this matter carefully, we shall see the advantage of having some sort of strata title in regard to mining. We can easily see that, because there may be a quarry as a mine, mining for gravel, stone or anything else to a depth of about 30 metres, whereas 100 metres or so below there may be a different type of mining operation altogether. The concept is correct. As regards the opal fields in particular, we must accept the fact that in the northern parts of this State there is much mineralisation. The whole of the Flinders Range area and the other areas in the North have been described as virtually a plum pudding for minerals. One difficulty is to find a mineral deposit large enough to work as an economic mine under modern mining conditions. Where we have a precious stones claim, such as opal, which would not be operating below about 50 metres, to cut off completely the mining of any mineral below that depth appears to be somewhat foolish.

Therefore, I support absolutely the idea of strata titles for mining operations. Nevertheless, I think the opal mining people are not fully aware of what the Government proposes; I do not think they have been taken into the confidence of the Government in making their moves. I do not know what the hurry is. Perhaps there is urgency with this legislation; perhaps there is a need in certain areas of the State to issue titles below, say, 300 metres for certain exploration and certain mining activities, but we must be certain that the existing rights of the surface miners are adequately protected and they are in no way disadvantaged by the operation of a different type of mining at a different depth. I should like to hear the Minister's reply on the matters I have raised at the end of the second reading debate. I support the concept of strata titles in mining. Anyone who examines the position will come down in favour of this concept.

There is another matter I would like to raise at this time, although the Minister might not reply to this aspect at this stage. Some time ago I took up the matter of adequate advertising of the position of new mining leases. I have received several complaints that this procedure is still not satisfactory, because interested parties cannot determine exactly where a new lease is being issued. In New South Wales the issue of all mining leases is advertised, as well as in the *Government Gazette*, in a daily newspaper, and a map showing the location of the lease is incorporated in that advertisement. Many people have a deep interest in where and when a lease is given, and that information is not easily ascertained from publication in the *Government Gazette*.

Although latitude and longitude positions can be given, the information is not as easily found as if a map were published. When this matter was last raised an undertaking was given to this Council that the department would provide such detail in advertising leases. In this way environmentalists and conservation groups would know exactly where leases were issued.

The Hon. R. A. Geddes: Advertisements including maps are published in the South Australian copies of the *Australian*.

The Hon. R. C. DeGARIS: Yes. It is reasonable that the public should know exactly where leases are given. The important issue dealt with by this Bill concerns the strata title leases relating to mining operations, and I support the second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The Hon. Mr. Geddes referred to a distance of 400 metres around a dwellinghouse. An anomalous situation existed in the opal fields whereby mining was prohibited within 400 m of a miner's dwelling. This provision is intended to protect the stationowners and similar people, but miners' residences and people associated with the opal fields are not covered. A distance of 400 m from these dwellings is not necessary.

The Hon. R. A. Geddes: Have you any information about how close one can mine to a miner's dwelling?

The Hon. B. A. CHATTERTON: No, but I will obtain that information for the honourable member. The honourable member asked what would be a prescribed dwellinghouse, and I refer to the house of a stationowner and the like, but other dwellings will not be prescribed. That is how the provision will operate. Regarding the urgency of the Bill, first, there is the giving of security to companies involved in exploration work to ensure that they attain some benefit from their exploration. Secondly, clause 31 amends section 74 of the principal Act. As section 74 expires in January, 1977, it is important that the Bill be not left to stand over until next year so that that provision will not expire.

Bill read a second time.

In Committee.

Clauses 1 to 32 passed.

Clause 33—"Records and samples."

The Hon. R. A. GEDDES: I move:

Page 7, line 34—After "may" insert ", with the consent of the Minister,"

In his explanation the Minister said that this provision was to stop speculation about mining finds, and I understood that to cover speculation such as that associated with the Poseidon boom of some years ago. An authoritative source such as the Mines Department will be able to describe what has actually been found and, to assist the Director in his deliberations, I suggest that the Minister, together with the Director, should bear some responsibility.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 34 and 35 passed.

Clause 36—"Regulations."

The Hon. R. C. DeGARIS (Leader of the Opposition): The Minister may correct me if I am wrong; I wish to refer to the procedure in relation to what I may term strata titles. In connection with prescribing an area where there are other forms of mining, particularly mining for precious stones, will the people mining the area be consulted about the strata titles?

The Hon. B. A. CHATTERTON: I do not see any problem in that connection. It would certainly be the Government's intention to consult the people in the area.

The Hon. A. M. WHYTE: Is there such a degree of urgency that this Bill should be passed today? Would the Government be willing to consider delaying the passage of this Bill until the people concerned have had adequate opportunity to appraise its contents? Drilling operations

will no doubt be scaled down, if not stopped, during the hot weather. Everyone concerned should have the right to discuss this Bill with the Mines Department.

The Hon. B. A. CHATTERTON: I explained the more general reason for dealing with the Bill when I replied to the Hon. Mr. DeGaris: it gives security to people involved in exploration. Clause 31 amends section 74 of the principal Act. I point out that section 74 (4) of the principal Act will expire in January, 1977, unless this Bill is passed; that means that there is a degree of urgency associated with this Bill.

The Hon. A. M. WHYTE: I apologise that I missed the Minister's reply to the Hon. Mr. DeGaris, but I point out to the Minister that there was no such provision at all until 1972. If we go for several months without the provision, it will not be the end of the world. That is not sufficient reason for enacting this legislation without the people concerned having the proper opportunity to discuss it. Although this is a provision that all opal miners are happy to see in the legislation, the fact that they may be without it for three or four months is not sufficient reason to hasten the passage of the Bill.

The Hon. B. A. CHATTERTON: What the honourable member says has some degree of truth, but the opal miners will be disturbed, too, if section 74 (4) of the principal Act is not in force.

Clause passed.

Title passed.

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

The Hon. B. A. CHATTERTON (Minister of Agriculture) moved:

*That this Bill be now read a third time.*

The Hon. A. M. WHYTE: I seem to have lost my plea to have the Bill delayed sufficiently to have it properly assessed by all parties. I am certain that the Minister will be sorry that he has not heeded my request. There will be repercussions. It took a long time to overcome the resentment to legislation that was passed earlier. I can only ask the Minister to give me an assurance that his colleague and the department will make every endeavour to safeguard the interests of the people presently depending on the precious stones fields for their livelihood. I do not want to inhibit exploration; nor do the opal miners. There are many facets of this Bill that the miners will need to consider.

The Hon. B. A. CHATTERTON (Minister of Agriculture): It is certainly not the Government's intention to affect adversely the interests of the opal miners, whom we will consult as much as possible. The aim of the legislation is to permit exploration of resources at greater depth. We will certainly protect the opal miners' interests.

Bill read a third time and passed.

*Later*:

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

## RACIAL DISCRIMINATION BILL

The House of Assembly intimated that it had agreed to to the Legislative Council's amendment.

## STATUTES AMENDMENT (CAPITAL PUNISHMENT ABOLITION) BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment.

The amendment refers to the retention of capital punishment for different types of murder. The House of Assembly has discussed this matter and has rejected the amendment. As the matter has now been fully ventilated in both Houses, I ask the Council not to insist on its amendment.

The Hon. J. C. BURDETT: I oppose the motion. The Hon. Mr. DeGaris gave figures yesterday which have not been challenged and which established the deterrent effect of the death penalty in Australia. In the categories of crime as referred to in the amendment, the death penalty should be retained. In the case of a person who had previously been convicted of murder, this penalty would obviously influence him in not getting into a similar situation and committing the same crime. Secondly, policemen and prison officers are gravely at risk and are entitled to protection, and the death penalty in the case of such murders would be a strong deterrent, because people who become involved with the police know what they are doing. Thirdly, the offence committed by a hired assassin or gangster would always be premeditated, and the penalty would act as a deterrent. The Hon. Mr. Blevins said yesterday that there was no difference in any category of murder, but the Americans have drawn the distinction of having first and second degree murders. Surely there is reason to retain the death penalty when terrorism, the fourth category, is involved. In the past nothing much has happened to terrorists, but I believe they will be deterred if the death penalty is provided. Fifthly, the murder of a child under 12 years during the commission of a sexual offence on the victim is a repulsive crime, and the death penalty would act as a deterrent in this case.

The Hon. M. B. CAMERON: Yesterday, I supported the amendment so that it could be discussed in another place. My only regret is that there was not a conscience vote on this issue. I do not believe capital punishment should be retained in a civilised society, as society should not set out to kill people. Moreover, in the case of a mistake people cannot be resurrected from the grave. In the worst criminals there is hope of rehabilitation, and one must consider that human life is precious. I will not support the amendment, but will support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I cannot accept the motion. Because I support retaining the death penalty, I do not wish anyone to think that I do not believe that life is precious. From the statistics that I have made available, any thinking person will realise that there will be an increase in homicide when the death penalty is abolished. The figures that I presented have not been refuted by any honourable member.

The Hon. Anne Levy: You didn't refute the American figures.

The Hon. R. C. DeGARIS: I do not have access to American figures, but I examined the *Commonwealth Year Book* and extracted figures back to 1900, and they show conclusively that the death penalty on our Statute Book is a deterrent to homicide. Even those who consider that life is precious will come to realise that there will be more homicides in the community when the death penalty is removed, and I am sure that South Australian figures for the next 10 years will prove that what I say is correct.

The Hon. J. E. Dunford: Rubbish!

The Hon. R. C. DeGARIS: The honourable member can say that, but the figures relating to Australian statistics

are clear, concise, and absolute in the lesson they teach us, and no honourable member attempted to refute them. The death penalty on the Statute Book is a deterrent to homicide. I ask that the Chief Secretary's motion be not supported.

The Hon. A. M. WHYTE: I want to make my position clear. As I said yesterday, the amendment does very little to reconcile the position. If I had any doubts about the retention of capital punishment, the arguments advanced by the Hon. Mr. Sumner yesterday convinced me that there is a need for it. Capital punishment is a deterrent.

The Hon. C. J. Sumner: My argument was the opposite, Arthur.

The Hon. A. M. WHYTE: When arguing the matter, the Hon. Mr. Sumner made crystal clear that the amendment would be a deterrent. Any small doubt that I had about capital punishment's being retained on the Statute Book was erased by the Hon. Mr. Sumner's contribution. I will do all I can to retain some form of capital punishment by supporting the amendment.

The Committee divided on the motion:

Ayes (12)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, C. M. Hill, Anne Levy, and C. J. Sumner.

Noes (6)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), D. H. Laidlaw, and A. M. Whyte.

Majority of 6 for the Ayes.

Motion thus carried.

## KANGAROO ISLAND SETTLERS

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

That the report and minutes of evidence of the Parliamentary Land Settlement Committee on the investigations of the financial problems of war service land settlement lessees on Kangaroo Island tabled this day be withdrawn.

Motion carried.

## ADJOURNMENT

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

That the Council at its rising adjourn until Tuesday, March 29, 1977, at 2.15 p.m.

In so moving, I take this opportunity of referring to the Clerk of the Parliaments and the Clerk of the Council, Mr. Ivor Ball. This is the last day on which Mr. Ball will be performing his duties at the table. Mr. Ball commenced as a junior clerk in the South Australian Railways on January 25, 1927. He transferred to the State Bank as clerk on December 13, 1928. From the State Bank, he transferred to the House of Assembly as office clerk on July 21, 1937. He also became Secretary of the Joint House Committee on November 27, 1941. He was promoted to the position of Clerk-Assistant and Sergeant-at-Arms in the House of Assembly on March 11, 1946.

On February 14, 1952, he was promoted to the position of Clerk of the Legislative Council, and on April 1, 1953, he was appointed Clerk of the Parliaments. Before his retirement on February 25, 1977, he will have completed 50 years in the service of the State, almost 40 years of which will have been in the service of this Parliament. As Secretary since 1953 of the South Australian Branch of the Commonwealth Parliamentary Association, and Foundation Secretary of the South Australian Parliamentary Bowling Club, Mr. Ball has become well and favourably known in Parliamentary circles throughout Australia, and, indeed, in oversea Parliaments as well.

On behalf of Government members (and I know that I am speaking for all members serving in the Council and, indeed, in the South Australian Parliament), I express our thanks and appreciation to Ivor for the way in which he has looked after us. Not one complaint has ever been made by any honourable member about his services.

I well recall when I came into this place that I was grateful for the assistance that Mr. Ball offered me as a new member. Now, when I know less and less about this place, I am more and more dependent on Ivor for his advice, which has always been given freely. Mr. Ball has always been helpful to me, as he has been to all other members. Those who have been fortunate enough to travel overseas with Mr. Ball know how precise he is in making arrangements. They know, too, how easy he makes travelling for us all. Those who travel overseas without having Mr. Ball accompany them know that he gives every assistance in preparing for their trip. We will indeed miss Ivor when he finishes on February 25, and we will certainly miss him when Parliament resumes in March. I have the greatest confidence in his successor as Clerk of the Parliaments.

I take this opportunity, on behalf of all honourable members, to express our sincere thanks and appreciation to Ivor, who has assisted us all so well for many years. I wish him well in his retirement. His wife Ida, who has always been a great help to Ivor, would have had to be very patient to put up with many things that have been our fault, such as when Ivor would have telephoned his wife to say, "The Leader of the House says that I will be home at 5 o'clock," but he possibly would not have arrived home until midnight. Having to contend with such situations, Ida has stood by Ivor, and this has obviously helped him in his work. On behalf of us all, I extend my appreciation to Mr. Ball and wish him well in his retirement.

The Hon. R. C. DeGARIS (Leader of the Opposition): In speaking to this debate, which is the adjournment debate, I touch on two or three matters before speaking in support of the Chief Secretary's remarks about the Clerk of the Parliaments, Ivor Ball. At this time before Christmas, I thank the Chief Secretary and his Ministers for the manner in which they have conducted the House and the session until now, and I extend my good wishes to them and to the staff of Parliament House for a good Christmas and a happy new year. I hope that the Chief Secretary does not think I am being over critical in any way regarding one or two points that I should now like to raise—

The Hon. D. H. L. Banfield: This is not the actual adjournment motion, I will move that later.

The Hon. R. C. DeGARIS: The motion for adjournment cannot be debated. I draw to the attention of the Council and the Government a matter regarding the Prices Act Amendment Bill. The Bill's second reading explanation given earlier this session did not inform Parliament of the Bill's real intention. An amendment was moved by the Hon. Mr. Burdett to what seemed to be at the time a relatively innocuous Bill. The amendment was strongly criticised in the House of Assembly by the Minister of Prices and Consumer Affairs. At page 1980 of *Hansard* he stated:

The other aspect was an intention to extend the definition of "services" in the Act to cover situations where people who have had dealings with insurance companies under insurance contracts are seeking the assistance of the Commissioner for Consumer Affairs. At present, there are grave doubts about his powers to investigate this type of complaint.

In the second reading explanation given in this House the only reference to this aspect was as follows:

Clause 2 . . . recasts the definition of "service" in the interests of clarity.

During discussions on the Hon. John Burdett's amendment, the Government did not indicate the real intention of the Bill. I have raised this matter because I believe it was the Minister's intention to try to achieve an amendment to the Prices Act without disclosing the real intention of that amendment. I draw the Chief Secretary's attention to this matter because I believe that the Minister of Prices and Consumers Affairs—

The PRESIDENT: Order! I do not think that this matter is strictly within the terms of Standing Orders. We are not discussing a Bill or any question at present. A Bill is not under discussion, so the honourable Leader is not allowed to allude to debates, except by the indulgence of the Council or by way of a personal explanation. I believe that that is probably what the honourable Leader means to do, but he has not asked for that indulgence.

The Hon. R. C. DeGARIS: I am sorry if I have transgressed Standing Orders, but I understood that the adjournment debate could be used for any purpose. If I am wrong, I will not proceed with the matter.

The PRESIDENT: It was not so much the subject matter to which the honourable member referred as the quotations from *Hansard* that drew my attention to this.

The Hon. C. J. Sumner: Which Standing Order?

The PRESIDENT: Standing Order 187.

The Hon. R. C. DeGARIS: I have drawn the matter to the Chief Secretary's attention, and he would understand that I was not being vindictive; I was merely asking the Government to explain what it intends to do in legislation that it introduces. I now return to our old friend the Clerk of the Parliaments. Barring accidents, this will be his last day in this Council. The Chief Secretary has outlined Mr. Ball's service to this Parliament, and every member would heartily endorse those sentiments. Ivor Ball has been of tremendous assistance to all members in this Chamber. Along with the Chief Secretary, I know that, in our time in this Council as new members and even now, we turn constantly to Ivor Ball for information on any matter, and unfailingly Ivor will have that information.

Having visited other Parliaments, I also know of the very high standing that Ivor Ball enjoys in the Commonwealth Parliamentary Association. It does not matter where one goes or to which Parliament: Ivor Ball enjoys a high standing in the mind of all Clerks of Parliament in connection with his work in the Parliamentary Association. We in this State have been well served by Ivor in that capacity. He has also done a wonderful job for the Parliamentary bowling club, where his administration and services have been quite magnificent but where his bowling standard is a little below that of most members, although that is not saying very much. His ability to organise ensures that nothing is overlooked. Whenever anyone has a complaint, Ivor is the man to fix it.

The Hon. R. A. Geddes: He was the envy of all the other States' bowling teams.

The Hon. R. C. DeGARIS: True, and the envy of all other branches of the C.P.A., where people recognise his ability, efficiency and the service he has rendered. Ivor's wife at all times has been of tremendous assistance to him in the work that he has performed. We in this Council will sadly miss the Clerk of the Parliaments, Mr. Ball, in his retirement. On behalf of all members of the Council, I wish him all the best in his retirement and sincerely thank him for the service that he has rendered to this Parliament.

The PRESIDENT: I add my personal tribute to the work and devotion to duty of Mr. Ivor Ball, our Clerk of the Parliaments. It has been much pleasure to serve with him since being appointed President of the Legislative Council. The job of the Clerks at the table is not an easy one. It has two aspects to it: the clerical work, to which Mr. Ball has paid meticulous attention; and what I might call the professional duties, where Mr. Ball's knowledge of Standing Orders, procedure, and the law applicable to Parliamentary practice has been very good indeed. On this aspect of the work, he would have few rivals in Australia. He has a meticulous sense of duty to the work of the Commonwealth Parliamentary Association. I know that he was known and respected by every other Parliament in Australia. Everywhere we would go on Commonwealth Parliamentary Association work, people would all know Ivor Ball, speak well of him, and ask us to bring back a friendly message to him and his wife. We will miss him very much when the Council resumes sitting next year. We wish him well in his retirement and we hope that he and his wife will be spared for many years and that they will enjoy good health and happiness.

Honourable members rose in their places and sang *For He's a Jolly Good Fellow.*

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

That Standing Orders be so far suspended as to allow the honourable gentleman to say a few words in reply.

The PRESIDENT: Mr. Ball has told me that it is not possible for him to speak, but he has asked me, on his behalf, to convey his thanks and appreciation to all honourable members.

[*Sitting suspended from 4.57 to 5.9 p.m.*]

The Hon. D. H. L. BANFIELD: Mr. President, by your leave, I take the opportunity to extend the compliments of the season to you, all honourable members, the Clerks, and all who have assisted in this session, which has been fairly long. As usual, we have done our work well and thoroughly, and I express my thanks to everyone who has assisted in running this session, especially the Hon. Mr. Geddes and the Hon. Cec. Creedon, who has had the whip out on us from time to time. I trust that we all come back next year fit and well.

The PRESIDENT: I should like to add my greetings for Christmas and the New Year to all honourable members and others and thank them for their work during the session. A tremendous amount of legislation has been put through in a fairly brief session.

Motion carried.

At 5.12 p.m. the Council adjourned until Tuesday, March 29, 1977, at 2.15 p.m.

I wish the company well, but this legislation should have been given to the miners to consider. It is all very well for the Mines Department to say that it sent officers to the area to explain the measure, but the men on the fields are not fools. They include lawyers, doctors, and other responsible persons who should be given a chance to express an opinion. They have asked for a copy of the Bill, and it arrived yesterday morning. They have had that short amount of time to process the Bill and report back on it. I do not want to see any action taken that will in any way inhibit the exploration or development of mineral resources, whether it be copper or any other mineral. By the same token I want to see justice done. I want all people concerned to have the right to analyse most thoroughly the consequences of what is entirely new and extraordinary legislation.

I ask the Minister in charge of the Bill whether there is any great degree of urgency for this measure to proceed through both Houses of Parliament today. I make that request knowing full well that there will be so much controversy that perhaps could be easily avoided if some further time was given for analysis of the legislation. I add further to my claim (that there should not be any urgency) the fact that, according to my experience, drilling and exploration during the summer months in the inland of Australia is curtailed because the climatic conditions are not conducive to this type of work.

I realise, too, if Western Mining pay enough money and are desperate enough for emergency action that, perhaps, it will proceed. But under normal circumstances there would be little work done between now and close to the time when Parliament reconvenes next year. Secondly, having already established a large ore body, it seems unnecessary that we need to push on with legislation which would allow mining under the already occupied precious stones field. Surely if it wishes to go ahead with the development it has sufficient detail to proceed on the already established areas. I would like to see this Western Mining group, which has shown much initiative, given some protection so that someone cannot step on its land. There is some confusion here which I have never been able to accept—why it has not been resolved that "mining" and "prospecting" are not the same thing. Prospecting to me is searching for an ore body or precious stones, or whatever it might be, and the mining is the recouping of those metals having established that they are there. The Act does not say that and it is confusing because it says prospecting can be termed mining.

My main plea in my speech is that there should not be, in my mind, this amount of urgency which seems to be engendered in the second reading explanation. I will now deal with that explanation and I refer to the interpretation, which is consequential on any amendment which may be made to clause 21. I would be prepared to amend this Bill if there was any way we could amend it. I do not think one can amend it. I would have to think very seriously about voting against the whole measure unless we can be given further time to consider it. I should not like to do that, but I believe the necessity for further time to consider it is such that, unless some compromise can be reached on it, I may have to vote against the Bill.

Clause 4 is the next clause that gives me concern. It deals in the second part with the word "dwellinghouse" which is applied to any type of domicile and excludes mining from an area around that dwellinghouse to 400 metres. It deals with section 9 of the principal Act and inserts after the word "dwellinghouse" the passage "not being a dwellinghouse of a class excluded by regulation from the operation of this paragraph". I presume what is intended there is that some dwellinghouses, such as station homesteads, and more permanently established dwellinghouses, can be excluded by regulation. Any other dwelling apart from that is no longer exempt under the provisions of the principal Act. In fact one will be able to mine or request that a dwellinghouse be demolished and taken from the scene altogether. I am not trying to argue for or against this because I am not a miner. What I want is for the miners to consider it.

Clause 9 deals with section 25 of the principal Act, and provides that no-one should remove a mass exceeding one tonne unless authorised to do so by the Director of Mines. This again is a new provision because the principal Act provides that it must be authorised not only by the owner but also by the Director. In this clause we see that the owner of a lease is no longer consulted. In fact, it could be removed from his lease without his having any say at all. Once again, that is an area for discussion.

Clause 11 amends section 28 of the principal Act. I do not mind if we take a little longer to go through this Bill, because we have not had time to consider it in detail. I am putting forward the areas of concern shown by the mining people themselves, who have not had time to consider the Bill properly. For the moment, I cannot see what the main objection is to this clause, but I know there is an objection.

I will skip clause 11 for the time being and turn to clause 16, which prohibits the transferring of a precious stones prospecting permit to a friend or someone else. I think the miners generally want this clause; in fact, they have wanted it for some time. There are many provisions in this Bill that the miners are happy to agree to and have been asking for. I turn now to clause 21, which amends section 51 of the principal Act; it provides:

(2) No person shall be entitled to prospect or mine in the earth below a precious stones field except upon conditions stipulated by the Director.

(3) The provisions of this Act shall apply in respect of prospecting and mining in the earth below a precious stones field with such modifications as may be prescribed.

We can read that in conjunction with the provisions of the principal Act, which provide that we now reserve only the top 50 metres for a precious stones field; anything below that can be mined under a mining lease, and it is no wonder there is agitation there because the miners themselves are not sure what an exploring company will do and what authority it will have to drill within a precious stones field. I do not believe that the local miners wish to deny exploration at a depth below their mining enterprise, but they want to understand exactly what their position is and what a big mining company can do despite what is prescribed in certain areas, which can be covered by regulation.

The Hon. J. C. Burdett: No-one knows what the regulations are.

The Hon. A. M. WHYTE: No-one has a clue. It would be far better if it was laid down in the Act. The people themselves would assist, if given a fair chance. I reiterate that, unless more time is granted for this legislation to be thoroughly considered, I shall be inclined, as much as I support exploration for minerals, to vote against the Bill now, knowing full well that such a Bill could be presented again next session. I support the Bill at this stage.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the idea of strata titles in mining. Whilst I agree with the doubts expressed by the Hon. Mr. Whyte, I should like to report to the Council that I have this