

HOUSE OF ASSEMBLY

Wednesday, February 20, 1974

The SPEAKER (Hon. J. R. Ryan) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Adelaide Festival Centre Trust Act Amendment,
Adelaide Festival Theatre Act Amendment,
Builders Licensing Act Amendment,
Commercial Motor Vehicles (Hours of Driving),
Community Welfare Act Amendment,
Egg Industry Stabilization,
Electricity Trust of South Australia Act Amendment (General),
Film Classification Act Amendment (No. 1),
Fire Brigades Act Amendment (Board),
Flinders University of South Australia Act Amendment,
Harbors Act Amendment,
Land and Business Agents,
Land Settlement Act Amendment,
Lottery and Gaming Act Amendment (T.A.B.),
Marine Act Amendment,
Mining Act Amendment,
Motor Fuel Distribution,
Motor Vehicles Act Amendment,
Police Offences Act Amendment (Fee),
Port Flinders Vesting,
Prisons Act Amendment,
Red Cliff Land Vesting,
Road Traffic Act Amendment (Weights),
Royal Style and Titles,
Statute Law Revision,
Statutes Amendment (South Australian Housing Trust and Housing Improvement),
Superannuation Act Amendment (General),
West Beach Recreation Reserve Act Amendment,
Wheat Delivery Quotas Act Amendment,
Wheat Industry Stabilization Act Amendment,
Workmen's Compensation Act Amendment.

MINISTERIAL STATEMENT: RUNDLE STREET MALL

The Hon. G. T. VIRGO (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. G. T. VIRGO: I have much pleasure in informing honourable members that agreement has been reached between the Adelaide City Council, the Retail Traders Association and the State Government on the conversion of Rundle Street to a pedestrian mall. This follows recommendations given to me from a steering committee which during the past few months has been investigating the feasibility of the proposal. The members of the committee included representatives of the State Government, the Adelaide City Council and the Retail Traders Association. The committee has reported to me that it is satisfied that the mall is a viable reality and there is no necessity for a trial as initially contemplated. The committee is unanimous in its recommendations that the Government and the council should proceed immediately to design and subsequent implementation. The Lord Mayor (Mr. Robert W. Clampett), who was Chairman of the steering committee, has told me that all concerned agree that the Rundle Street mall should be the best that could be feasibly produced. He has also told me that the

Adelaide City Council is being asked today to approve of P. G. Pak Poy and Associates undertaking the further task of producing a mall design and programme for implementation. These consultants were responsible for advising the council and the steering committee on the first phases of the mall investigation. If this is approved by the council, the consultants' design report will be presented to the steering committee before the end of May this year. The Lord Mayor paid a tribute to the work of the steering committee, and in particular to the contribution of the Retail Traders Association members on whose motion the mall decision had been made. He also said that immediate consultation would be undertaken with those affected by the decision.

Mr. G. A. Black (President of the Retail Traders Association) has said that the decision is a momentous one for the traders of Rundle Street. If the additional recommendations made by the consultants requiring the provision of additional short-term parking adjacent to Rundle Street and upgrading public transport are introduced, the traders believe that the mall will be a success. He said a survey undertaken as part of the study had shown that more people would visit the mall if improved parking facilities and more frequent public transport services were provided. These were therefore an integral part of the mall development and were a prerequisite to its success. I have given my approval for the next steps to be taken by my officers. These include discussions with the Adelaide City Council on the recommendations relating to additional short-term parking and public transport, as well as the many other problems associated with the servicing of the area proposed to be closed. I welcome the decision and hope that every effort will be made by those concerned to implement the mall at the earliest practicable date.

QUESTIONS

LIQUID GAS EXPORTS

Dr. EASTICK: Will the Premier say what information the Prime Minister has provided for the Government on the Commonwealth Government's policy regarding liquid petroleum gas exports? One of the major features of the intrusion by the Commonwealth Minister for Minerals and Energy (Mr. Connor) into this State's business last year concerning the Redcliff project was that liquid petroleum gas could not be exported but must be processed in Australia into motor spirit, in this State's instance at Red Cliff Point. It was openly reported in the New Zealand press last week as a result of Mr. Whitlam's visit to the Philippines that he had offered the Philippine Government considerable quantities of Australian liquid petroleum gas, the deliveries of which would commence in about 18 months. It is this obvious about face regarding the export of this commodity that causes me to ask the Premier whether the Prime Minister has countermanded the action previously taken by Mr. Connor and, if he has, whether the Government has been informed accordingly.

The Hon. D. A. DUNSTAN: The answer to both of the latter questions is "No". The position regarding liquid petroleum gas exports has been made clear by the Commonwealth Government. On the present quantities of liquid petroleum gas in the fields supplying South Australia and Victoria, there will be no exports. Exports of this commodity would have to be based on the proving of additional reserves beyond Australia's requirements. The Commonwealth Minister has made perfectly clear that he requires liquid petroleum gas to be converted to gasoline and that, although this is expensive under Australian

conditions, the Commonwealth Government's view is nevertheless that it is necessary in the national interest. In the most recent fuel crisis, only a small proportion of Australia's gasoline requirements from our own area of gas production could be supplied at less than the cost of supply from comparable countries. Therefore, as a matter of basic national security and major national importance, the Commonwealth Government has insisted on the provision of refinement capacity to provide conversion of l.p.g. to gasoline, and in relation to the Redcliff project it has also undertaken to the State Government that, where it requires this, it will take appropriate action either in providing a subsidy or arrangements with the oil wholesalers to take the cost of this extra production over the whole of the market to ensure that the price to be paid to South Australian producers will be economic. What is more, it is clear from the Commonwealth Government that the major course of refining gas to gasoline will take place at the Redcliff project, and this will be an important part of that total project. That is the information that the State Government has from the Commonwealth Government: I have nothing supplied by the Commonwealth Government to the contrary.

FLOOD RELIEF

Mr. JENNINGS: My question is addressed to the Premier, as policy is involved. I understand that most Governments in Australia are providing free rail transport for flood relief. Will the Premier say whether the South Australian Government is willing to provide a similar facility? I must draw attention to the fact that the Enfield civil defence organization has been working for flood relief in Queensland and wherever else the need may exist.

The Hon. D. A. DUNSTAN: I understand that not all Governments in Australia have agreed to the free transport on railway services of provisions for flood relief in Queensland, but the South Australian Government would be willing to provide free transport.

WORKMEN'S COMPENSATION

The Hon. D. H. McKEE: I seek leave to make a statement.

Leave granted.

The Hon. D. H. McKEE: Many conflicting allegations are being made concerning the dire consequences of the amendments made to the Workmen's Compensation Act last year, and apparently some conflicting legal opinions have been given by different lawyers concerning the meaning of some sections. Such alleged confusion is being deliberately engendered by insurance companies. There is no suggestion that the Government or the court is confused about the intentions of the Act. As yet there has been no judicial decision by the court regarding the meaning of any of the sections which it is claimed are obscure, and in the absence of any judicial decision the various differing interpretations remain expressions of opinion only. The main matter in respect of which different interpretations are being given concerns the application of the Act to subcontractors. Some of the interpretations have been given wide publicity by people who do not appear to have the qualifications to interpret the Act. An instance of this was a circular letter to all members of Parliament by the Secretary of United Farmers and Graziers of South Australia Incorporated that contains some erroneous statements.

In respect of subcontractors, the Government's intention was clearly indicated. The intention is that if a person in the course of or for the purposes of his trade or business

enters into a contract with someone else and that latter person personally performs work he shall be deemed to be a workman for the purposes of the Act. It is well known that in the building industry there are many persons who personally perform work but who are paid other than wages, for example, for bricklayers a rate for each 1 000 bricks, and there is also a price for roof fixing and tile fixing on houses. These people actually work on the job but have not previously been workmen, because they have not been employed for wages. Many taxi-drivers are employed by the owner of a taxi on a commission basis rather than on a wage; many municipal and district councils throughout the State have their carting done by people who supply a truck as well as their labour and who are paid on a ton-mile basis. Shearers are paid a rate for each 100 sheep shorn, and many cleaners are employed on a set weekly rate to undertake cleaning of offices, schools, and so on, personally. The Government considered that these types of people should be entitled to workmen's compensation cover, and there was no objection to this proposal when the Bill was debated in the House last year.

Members interjecting:

The SPEAKER: Order!

The Hon. D. H. McKEE: There was no intention that a subcontractor who employs labour should be regarded as a workman: he has to be responsible for insuring any of his employees or labour-only subcontractors under the Act, but the Government did not intend, nor does it consider, that such an employer should be regarded as a workman for the purposes of the Act. Similarly, there was no intention that a plumber or electrician who supplies material and equipment as well as his labour would be regarded as a workman. There is no basis at all for the suggestion that any person who hires a taxi should be concerned with workmen's compensation for the driver.

The Government is concerned that, because of the confusion regarding the intention of the amendments, it is being claimed that the cost of house building will increase substantially and that farmers will have to take out insurance cover if they engage contractors to do fencing, baling hay or bore sinking. In order to clarify the Government's intention regarding the application of the Act to subcontractors, the President of the Chamber of Commerce and Industry has suggested that the regulations made under the Act on December 20, 1973, should be amended by listing the awards to which the new provision regarding subcontractors should apply. This is the only positive suggestion that has been made to the Government, and it is being considered.

Mr. COUMBE: In view of his admission that there has been confusion in the minds of the people of South Australia regarding section 8 (1a) of the Workmen's Compensation Act (the section which deals particularly with the subcontracting field and, incidentally, about which the confusion is not confined to employers and contractors but also applies to workmen), will the Minister elaborate on what he has said and, in the interests of all parties concerned, have his department print and issue a simple explanation of the requirements and obligations involved under this heading? Further, because *Hansard* shows that this provision was opposed bitterly by members on this side, will he retract that part of his Ministerial statement in which he said that no opposition was raised in the House to this provision?

The SPEAKER: Order! The honourable member must seek leave if he wants to make an explanation.

Mr. COUMBE: I am putting it in an interrogatory way. Does the Minister recall that I moved a test amendment to recast the whole of this provision and that his Government defeated that amendment?

The Hon. D. H. McKEE: In reply to the first question, that regarding confusion, I said that the confusion had been engendered by certain insurance companies, and I will certainly not withdraw that remark, because it is a proven fact. The brochure dealing with the vital sections of the Workmen's Compensation Act is now being printed, and we hope that it will be available within a week or two. As to my withdrawing the statement that there was no opposition in this House to the provision in question, of course there was opposition in debate but eventually the House voted for the Bill.

Members interjecting:

The SPEAKER: Order! Honourable members know the conditions that prevail during Question Time, and those conditions will be the same as those that prevailed last year.

Mr. CHAPMAN: The Minister has criticized some insurance companies and other parties and he has boasted that he has much knowledge of the Workmen's Compensation Act. Will the Minister explain to the House on what criteria a pieceworker would be paid compensation under the new Act if, during the first hour of the first day of his employment, he was injured and could not continue in his employment? I ask the Minister to consider, for example, a shearer (he has mentioned shearers) who is experienced but has been out of the industry for 10 years and, in the meantime, has been enjoying a substantial income as a self-employed person in his own business. Would that person enjoy compensation equal to his total average weekly earnings in his only employment that can be cited, namely, his previous self-employment? If the person would not be eligible for compensation on this basis, will the Minister say on what criteria the man, on being injured, would be paid weekly compensation?

The SPEAKER: Order! The honourable Minister is not obliged to reply to that question, because the honourable member is seeking an interpretation of the law. However, the honourable Minister may choose to reply to it.

The Hon. D. H. McKEE: Perhaps I can reply to the honourable member by saying—

Mr. Millhouse: Be careful!

The Hon. D. H. McKEE: I suggest that you be very careful, young fellow. The Chamber of Commerce has suggested (and my department is considering the suggestion) that, where an award is applicable to the work being performed by the workman, the workman be paid according to the award rates applying to the work he was performing.

Mr. DEAN BROWN: Is the Minister aware of other problems caused by the 1973 amendments to the Workmen's Compensation Act? If he is, what action will he take to ameliorate their effects? The first of these problems is that the cost of workmen's compensation premiums has increased by 100 per cent at this stage, and a further increase of 50 per cent is expected. Even the General Manager of the Government's own insurance office has said that premiums will probably have to be increased by more than the initial 100 per cent. The second problem is that discussions with builders indicate that the cost of building projects has increased by 7 per cent over the original cost. Thirdly, although the Minister denied it earlier, the cost of a \$20 000 house has increased by between \$1 300 and \$1 600.

The Hon. D. A. Dunstan: Rubbish! Absolute rubbish! The SPEAKER: Order!

Mr. DEAN BROWN: If the Premier cared to work out the costs, he would soon realize this. The fourth problem is that doctors have said that initial indications are that, as a direct result of increased benefits, workers are tending to prolong the period of their injury.

The Hon. G. T. Virgo: Rubbish!

Mr. Wright: Who said that—Bragg?

The SPEAKER: Order!

Mr. DEAN BROWN: Fifthly, there is a specific case where the premium of one company employing contractors has increased from \$32 000 a year to \$179 000 a year. The sixth problem has already been pointed out to the House. Finally, many legal cases seem to be arising because of the unreasonable provision placing on the employer the onus of proof in connection with the cause of an injury. Will the Minister say what action the Government will take to solve these problems, which are increasing the inflationary rate and lowering productivity?

The SPEAKER: Order! The honourable member cannot comment.

Mr. DEAN BROWN: We look forward to the Minister's reply indicating how he can help solve these important problems that members of the community are now facing as a result of the amendments to the Act.

The Hon. D. H. McKEE: I do not look forward to any assistance from the honourable member in solving the problems that he believes exist. The only thing I can say about the speech that he has just made (I cannot remember all the questions he has asked) is that his purpose was to engender further confusion; that is all he has done. I believe that, concerning the complaints he has raised, he has obtained his information from certain insurance companies for the sole purpose of engendering confusion on this matter among the public.

CITY BUS SERVICE

Mr. WRIGHT: Recognizing the tremendous success and popularity of the Bee-line buses, I ask the Minister of Transport whether he will investigate the viability of extending the operation to follow a route that would pass the Royal Adelaide Hospital and take in the east end of the city square mile. I have been asked by constituents in my district to convey to the Minister their heartiest congratulations and expressions of thanks for introducing in Adelaide what they have described as the best thing in transport for 100 years. If that statement is true (and I have no doubt that it is), surely an investigation into extending the route, as suggested not by me but by people in my district, would be advantageous to the city, and it would especially allow the east end of Adelaide to be opened up where it is now restricted. Will the Minister consider this matter?

Mr. Venning: A Dorothy Dixier!

The Hon. G. T. VIRGO: No, it is not; that is something that was confined to the former Liberal and Country League Government. The situation is as the member for Adelaide has outlined, and I am rather happy to know that even the Leader was magnanimous enough yesterday to acknowledge, in his attack on me while I was away in another State on Government business, that the Bee-line bus had been a tremendous success. Following its introduction members of the staff of the Director-General of Transport have been, and still are, continuing to investigate the practicability of extending that type of service. Although the stage has not yet been reached where I can say anything specific, indications at this stage are that the existing service will not be altered to cater for these other

locations but, rather, that further services will be introduced to supplement it. I think it is also important to note that a couple of years or so ago the Municipal Tramways Trust had about 300 buses that had been retired from service, and I vividly recall numerous questions being asked in this House about how redundant they were, because they were 8ft. 6in. (about 2.6 m) wide, and so on. All except 40 of those buses have been sold, and the demand for the remaining 40 is extremely healthy, but they have been retained to enable us to experiment with the very type of scheme the member for Adelaide has suggested. I hope that once the present matter concerning buses is satisfactorily resolved we shall be able to proceed with the plan, which has been temporarily interrupted but which will be resumed, and we will examine the very suggestion made with a view to implementing it.

UNION MEMBERSHIP

Mr. HALL: Can the Minister of Labour and Industry say what he will do to protect those owner-drivers of trucks in South Australia who recently were forced, against their will, to join the Transport Workers Union? Recently some truck owner-drivers who concentrated on carrying bricks from brickyards to the work sites in and around Adelaide joined the Tip Truck Owners Association. Officials of the T.W.U. then demanded that they join the union and they were told that, if they did not join, their trucks would not be loaded with bricks and their bricks would not be unloaded at the job sites. They joined the union under that pressure. A few minutes ago the Minister, in a Ministerial statement, said that taxi-drivers who drove their own taxis should not be considered as workmen. The owner-drivers of the trucks to which I have referred are in the same position as taxi owner-drivers who the Minister has said should not be considered as workmen. I ask this question in this way because the union officials have nothing to offer by way of service to the owner-drivers they have forced to join their union and from whom they have collected union dues.

Mr. Millhouse: Get out of that one!

The Hon. D. H. McKEE: I shall have no difficulty in getting out of it. It has nothing to do with me because—

Mr. Millhouse: You're going to slide out of it that way, are you?

The Hon. D. H. McKEE: —it is a matter between the union and its members. If the honourable member wants the facts I will take up the matter with the union, but it is a matter between the union and its members.

Mr. Millhouse: Do you approve?

The Hon. D. H. McKEE: Of course I approve of people joining a union.

Mr. Hall: Under those circumstances?

The Hon. D. H. McKEE: I am not anti-union, as is the honourable member.

NORTHFIELD HIGH SCHOOL

Mr. WELLS: Will the Minister of Works investigate the possibility of the erection of an adequate fence along the boundary between Northfield High School and the Northfield Research Centre? Some time ago Northfield High School was granted additional land which previously had been the property of the research centre. This land covers many hectares, and the high school council would like it fenced so that it can be developed for the benefit of the students at the school. The Director of the research centre has indicated that he wants the area fenced. Indeed, both he and the Headmaster of the high school requested this some time ago, but with no apparent result. I would

appreciate the Minister's investigating the matter and giving a favourable reply.

The Hon. J. D. CORCORAN: I am delighted to see the honourable member back in the House fit and well. Inquiries will be made and I hope that I can give a reply soon.

SUPERPHOSPHATE BOUNTY

Mr. RODDA: I ask the Premier to use his good offices and his undoubted influence with the Prime Minister to see that the bounty on the price of superphosphate is retained. Having regard to a certain newspaper article that appeared over the weekend, I am sure that the Premier will have more than an academic knowledge of the need for fertilizer; I am sure that he and I share a fellow feeling on this subject. The Premier will be aware of the world shortage in protein, and of the crisis from which the rural industry is just recovering: many farmers are only just getting back on to a sound financial footing. In addition, currently the work force in the farming community is depleted. If this bounty is removed, it will not only cause chaos in this country but also affect the world demand for foodstuffs. The people of this State and other States will be grateful if the Premier uses in this case the undoubted influence that he has over the Prime Minister.

The Hon. D. A. DUNSTAN: I am afraid that the honourable member thinks I have an exaggerated influence. This matter is determined by the Commonwealth Government: the State Government has not been consulted on it. Naturally enough, on any matter that affects this State—

Dr. Eastick: Haven't they—

The Hon. D. A. DUNSTAN: I point out to the Leader that on numbers of matters the Commonwealth Government has given very signal assistance to this State for the first time in the history of this country. We have received hundreds of millions of dollars from the Commonwealth Government on the basis—

Mr. Millhouse: What about answering the question?

The SPEAKER: Order! The honourable member for Mitcham will get my answer in a minute.

The Hon. D. A. DUNSTAN: We have received large sums indeed from the Commonwealth Government on the basis of the policy that was enunciated before the 1973 State election. I repeated throughout that policy speech that several matters would be undertaken with the co-operation of the Commonwealth Government, and they have been undertaken to the signal advantage of this State. It has so happened that in some areas there have been differences and where I have believed it to be my duty I have expressed those differences very plainly.

Mr. Gunn: You've tried to save your own skin.

The SPEAKER: Order! I warn the honourable member for Eyre.

The Hon. D. A. DUNSTAN: In these cases, I have carried out what I believe is my duty to the people who have elected me to this office, and I shall continue to do that. Although we were not consulted by the Commonwealth Government about the superphosphate subsidies, naturally enough the matter will certainly be raised by our Minister on the Agricultural Council.

COUNTRY BUS SERVICES

Mr. GOLDSWORTHY: Can the Minister of Transport say whether the take-over by the Municipal Tramways Trust of metropolitan bus operations will affect charter work currently being undertaken in the metropolitan area by some country bus operators? I have been approached

by a country bus operator who points out in his letter (and he quotes figures to substantiate this) that he operates his line at a loss. He contends that he relies for profitability on charter work he undertakes in the metropolitan area. He, like others, is concerned that permits to undertake this charter work may be affected by the Government's action in taking over metropolitan bus lines. Can the Minister throw some light on this matter and assure members that the operations of these country operators will not be affected in the way they fear?

The Hon. G. T. VIRGO: It is rather difficult to answer a hypothetical question affirmatively or negatively. If the honourable member gives me details of the operator concerned, I shall be happy to give him the specific reply he seeks. The situation generally is that the Government has acceded to the request of private operators to take over their services. This is something which many members opposite are ignoring or of which they are not aware. We made plain that we would take over services where private operators nominated services to be taken over. Where operators elected to retain services, they were perfectly free to do so. That has been the position throughout, and it is still the position.

OFFSHORE LEGISLATION

Mr. MILLHOUSE: Had he been here, I should have directed this question to the Attorney-General but, as he is not here, I direct it to the Premier. In any case, as it concerns a matter of policy, perhaps the Premier can more conveniently handle it. I hope I get an answer.

The SPEAKER: Order!

Mr. MILLHOUSE: Can the Premier say what action the Government now intends to take concerning the proposals of the Commonwealth Government on offshore rights? In the past few days it has become known that the Privy Council will not give an advisory opinion concerning matters of State and Commonwealth relations, especially with regard to offshore rights, a matter about which the Attorney-General, the Solicitor-General, and several Ministers and officers from other State Governments went to England about 12 months ago to have discussions. Last November, I put on notice a question about offshore legislation and I received a reply of a sort yesterday. My question was whether the Government intended to challenge the validity of the Commonwealth Seas and Submerged Lands Act and, if it did, when and how it would do that. The only reply I received yesterday was that the matter was still being considered: that was no answer at all. Since I put that question on notice, we have had the information, to which I have referred, that the States have been turned down in London. Therefore, I ask the Premier what the Government intends to do next, either independently or in concert with other State Governments, about this matter.

The Hon. D. A. DUNSTAN: The honourable member was told yesterday that the matter was being considered. It is being considered; discussions have been held with the Commonwealth Government; and, when we have an announcement to make, we will make it.

TEACHERS' HOUSING

Mr. VENNING: Can the Minister of Education say what is the Government's policy concerning the housing of teachers in country areas? About two years ago, the Minister announced that his department would build 37 solid construction houses throughout the State. I have been informed that many of these houses have yet to be constructed; in some areas transportable houses have been considered as a substitute. I have also been told that

either the Government or the Minister's department has now called a halt with regard to supplying transportable houses because of the high cost involved, this type of house costing about \$24 000 to install on various sites throughout the State.

The Hon. HUGH HUDSON: Our policy is not to purchase houses which are offered to us but which are considered by our advisers to be of a standard not sufficiently high to warrant purchase. I now repeat in public the reply I have given in private to the honourable member in relation to a certain proposition he has submitted. Regarding housing for teachers, the department has, each year since I have been Minister, constructed or purchased at least as many transportable houses as the number to which the member for Rocky River has referred.

The department is now in the difficult position that the \$750 000 allocated in the Loan Estimates this financial year will not enable it to provide sufficient houses for teachers in country areas. There has been a decided swing away, particularly by single teachers, from the wish to board privately to that of renting their own accommodation. If the department's requirements related only to married teachers, many of our difficulties would disappear. The department has, to the best of its ability and with the funds available to it, tried to overcome the situation, as well as having tried to obtain the co-operation of the Housing Trust in providing rental accommodation for teachers. Also, the trust has in a few places erected special flat accommodation to be rented by teachers.

Last year, the department adopted a suggestion made by the South Australian Institute of Teachers that private enterprise might be interested in providing accommodation in country areas; the department could then rent this accommodation for a minimum period of, say, five years at an agreed rental. That suggestion having been followed up, there was a tremendous response to it in some country areas. It now appears that the department will in some country areas be able to make arrangements with private businessmen who will put money into housing that can be used by teachers. The member for Rocky River will realize, however, that the money provided by the State Government for this purpose comes out of the school building fund and that, if more money is used for teacher housing, fewer schools will be built. Because of this, the amount of additional Government funds that can be used for teachers' housing is clearly limited. All these matters are being pushed ahead.

The decision to experiment in country areas with the use of transportable houses (which I remind the honourable member are air-conditioned) was taken as a consequence of representations made by the institute after its officers had inspected these houses. The honourable member's gripe regarding transportable houses is not, I suggest, an unprejudiced one, as it has been decided that the house at Booleroo Centre that he wanted the department to purchase would not be purchased but that a transportable house would be supplied instead.

Mr. Venning: You could have bought it for \$18 000.

The SPEAKER: Order!

The Hon. HUGH HUDSON: Although the member for Rocky River says that the department could have bought this house, the Public Buildings Department officers who inspected it recommended that it should not be bought. Not being an expert in these matters, I have accepted that recommendation, although I realize that the department has in many country areas throughout the State purchased houses already erected.

Mr. Venning: I think a house was available—

The SPEAKER: Order!

The Hon. HUGH HUDSON: The honourable member's interjections indicate that he is utterly incapable of accepting from anyone an answer that does not agree with his own previously formed opinions. I will not be pushed around on this matter. I have given the member for Rocky River an answer on this matter on three occasions, and I have replied to him again today: the house to which he referred will not be purchased by the department.

FISHERIES DIRECTOR

Mr. BECKER: Will the Minister of Environment and Conservation say whether a new Director of Fauna Conservation and Director and Chief Inspector of Fisheries has been appointed and, if he has, who was the successful applicant? If an appointment has not been made, can the Minister say why? I understand that this position was first advertised last August and that applications were again called in October. I understand also that certain applicants have not had their applications for the position acknowledged.

The Hon. G. R. BROOMHILL: True, the Public Service Board advertised this position some time ago. However, after considering the applications, it was decided that the position should be re-advertised. That has been done, and some of the applicants are currently being considered by the board. I will inform the honourable member when a decision has been taken.

HILLS DEVELOPMENT

Mr. EVANS: Will the Minister of Environment and Conservation say what action the Government intends taking to prevent properties in the Stirling District Council area from being developed in a way contrary to the expressed wish and policy of that council and, indeed, of most Hills residents? In 1972, the council submitted to persons living in the Adelaide Hills zoning regulations and plans about which there was an outcry. Subsequently, in May last year, the Minister's department was given the responsibility of drawing up supplementary plans and regulations. In the meantime, the new Building Act was promulgated and came into operation on January 1. This overrides all the council's by-laws regarding size of allotment and distance that a house can be built from the road frontage. Since then, applications have been made to the State Planning Authority regarding flat development in this area, which type of development is opposed by the local community and the council. Subsequent appeals to the Planning Appeal Board have resulted in approval being given for the construction of flats. There is no way in the world the council can stop this development, as it is in the Government's hands. Will the Minister say what he intends to do at least to preserve the type of legislation that those concerned in the Stirling area would like to see on the Statute Book, until his department formulates the supplementary plans and promulgates them towards the end of this year?

The Hon. G. R. BROOMHILL: I am contemplating amending the Planning and Development Act this session to solve problems of this nature.

COOPER CROSSING

Mr. ALLEN: Will the Minister of Transport say whether an approach has been made to the Army Department to obtain a pontoon for use at the Cooper Crossing on the Birdsville track? On Friday, February 8, I introduced to the Minister a deputation of cattlemen from this area.

The deputation asked the Minister that a pontoon or ferry be supplied at this crossing so that people could send fat cattle south to market and take store cattle back. It was suggested that perhaps a ferry from the river could be transported to this site. However, my information is that only one ferry could be dismantled and sent to the site, and it would be in two sections each 60 ft. (18.3 m) long and each weighing 37 t, so that would put it out of the question. It has been suggested that the Army Department could be approached to have pontoons sent to this area. I understand that pontoons are assembled in sections, that each section weighs $\frac{1}{2}$ t, and that the length of the pontoon can be arranged according to requirements. Will the Minister say whether he has made approaches in this regard?

The Hon. G. T. VIRGO: The notes of the deputation to which the honourable member refers have been sent to the Highways Department for consideration of the various points raised, but as yet I have not received a reply from the department. I will take the matter up to find out what investigations have been made and, if the proposal about an army pontoon is practicable, we will pursue the matter.

RADIO PROGRAMMES

Mr. BLACKER: Will the Premier use the South Australian Government's influence to try to have maintained the country breakfast sessions and similar programmes being broadcast on regional radio networks? It has been said that there is an Australia-wide move to curtail regional rural programmes. This would take away an extremely valuable service now being given rural people and other people interested in rural and regional matters, particularly concerning weather forecasts and stock markets, interviews on new farming techniques, and information regarding fire hazards and flood reports. All these matters are an extremely important adjunct to farming enterprise. As the curtailment of these programmes would blind the eyes, stop the ears and silence the mouthpiece for many rural industries, will the Premier try to have this means of communication maintained?

The Hon. D. A. DUNSTAN: I am not aware of any such move but I will inquire about it.

PORNOGRAPHIC LITERATURE

Dr. TONKIN: Will the Premier take action to ensure that literature of a specific sexual or pornographic nature is not openly displayed for sale where it may cause offence to members of the public and to ensure that such literature is not sold to minors? I have received many complaints recently from constituents who have been offended by the display of such literature both in my district and elsewhere throughout the State. The matter was brought even closer to home by something that happened to my son. He bought a "Funbook" to give as a Christmas present to his elder sister's fiancé and brought home from a newsagent a booklet of limericks which were obscene and which were illustrated by line drawings of an explicit nature, indicating every possible copulatory activity. I need not say that this booklet was returned and, when the lad finally selected a copy of *Andy Capp*, the comment was made to him, "I hope your father will let you read this." I may say that I do read and enjoy *Andy Capp*. From my observations around the State, I have no doubt that pornographic literature is being displayed openly in newsagencies and that this practice is becoming more and more widespread. Further, from complaints I have received I have no doubt that this is causing more and

more offence to the public. Also, the point has been made to me that this literature is being sold to young people and that it is then being passed from hand to hand in schools. I consider that what is taking place should be stopped.

The Hon. D. A. DUNSTAN: The Government's policy has been made clear to the owners of delicatessens and newsagencies: material of an explicit sexual nature shall neither be displayed openly in such a way that it could offend people nor be available for perusal by, or sale to, minors. Upon receipt of a complaint of this kind and where the complaint is proven, a warning is given. If that warning was not heeded, prosecution would ensue. If the honourable member can give the Government information about a specific case or series of cases regarding this matter, I assure him that the Government will take the necessary action.

EVAPORATION BASINS

Mr. ARNOLD: Will the Minister of Works report on the progress made in the search for a suitable evaporation basin located a considerable distance from the Murray Valley as an alternative means of disposing of irrigation drainage water? If a suitable site has been found, will the Minister say when work will commence on the necessary pipelines and other works required? I understand that a suitable site has been found and, since the existing evaporation basins on the banks of the river are a major contributor to salinity in this State, it is of the utmost importance that they be removed as quickly as possible in the interests of water quality. I ask the Minister whether I am correct in assuming that a suitable site has been found and, if I am correct, when work will commence on the project.

The Hon. J. D. CORCORAN: I have not had a report from my department about a suitable site having been found for an evaporation basin located a considerable distance from the river. The honourable member and other honourable members would know that, for about 18 months, investigations have been proceeding in this regard. I will inquire about the present position in the matter and let the honourable member know. True, it is highly desirable to relocate evaporation basins away from the river if that is possible, but it is also extremely expensive, and the availability of Loan funds may play a part in determining when the basin can be provided.

RAILWAY TAKE-OVER

Mr. McANANEY: Will the Minister of Transport tell the House what progress he has made in his negotiations with the Commonwealth Government regarding its taking over the State's country railways? Last year, in reply to a question, the Minister said that he was getting close to concluding his negotiations but, as the railways have lost \$3 000 000 more in the first seven months of this financial year than in the corresponding period last year, the matter is rather urgent. We must either get rid of the railways or run them more efficiently.

The Hon. G. T. VIRGO: A committee consisting of State and Commonwealth officers has now submitted its first interim report to the Commonwealth Minister and to me. That report is now subject to consideration by both Governments and ultimately there will be a conference between the Commonwealth Minister and me. At this stage that is as far as I can take the matter.

REMEDIAL CLASSES

Mr. MATHWIN: Can the Minister of Education state (and I hope his reply will not be as lengthy as usual) the

Government's policy regarding handicapped and slow-learning children being catered for in the new open-space schools? A constituent of mine had a child at the old Ascot Park school, which has now been replaced by a new open-space school. The old school had a junior and a senior remedial class, but when the children returned to school this year there was no accommodation for those who had been in the remedial classes. No-one knew where the children were to go, and eventually they finished up at many different schools in the area.

The Hon. HUGH HUDSON: It is apparent that the honourable member is asking a question that arose out of a situation at the Ascot Park school. In order not to annoy him by answering the question on Government policy, which would take some time, I will investigate the specific matter relating to Ascot Park and bring down a reply. If the honourable member asks a complicated question, he will get a complicated reply.

MONARTO

Mr. WARDLE: Can the Minister of Development and Mines say whether the Government has changed its mind regarding the leasing of land either back to the original owners or to people from outside the area of Monarto? Also, will the Minister name his appointee to the committee established under the Murray New Town (Land Acquisition) Act? An advertisement offering land for leaseback was withdrawn, and it appears that the Government has changed its original intention with regard to allowing people in the area to lease back land and allowing outsiders in. I am told there is plenty of work for the committee established under the Act, but it cannot operate because the Minister has not made his appointment to that committee. Because of the urgency of the matter (and this is a real and human problem to the people who are actually passing through this acquisition process), I urge the Minister to make his appointment to the committee.

The Hon. D. J. HOPGOOD: There has been no change of policy at Government level and I wonder whether there has been some misunderstanding. I will take up the matter with the commission to determine the exact circumstances under which the advertisement to which the honourable member refers was inserted and later withdrawn. An appointment has been made, but it would be inappropriate for me at this stage to name the person concerned, because I have not received a formal reply from the appointee. However, I will clear that, and once a formal acceptance has been received I will make the person's name known to the House.

STUART HIGHWAY

Mr. GUNN: In view of the poor condition of the Stuart Highway, can the Minister of Transport say what action he intends to take to bring about an immediate upgrading of the road? For some weeks it has been impossible to negotiate many sections of the road, and tourist bus operators and the general public have been unable to travel between Coober Pedy and Pimba. This is a serious situation, and I ask the Minister to approach his Commonwealth colleagues to see whether they are willing to allocate funds in a similar way to the previous generous allocation of funds by the Liberal and Country Parties Government for upgrading the Eyre Highway.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I think it would be as well for your blood pressure, Mr. Speaker, and everyone else's if I did not pursue the last stupid part of the honourable

member's question about Eyre Highway and the attitude of the former Commonwealth Government. Whilst the honourable member was present in Parliament yesterday I was in Sydney having discussions with the Commonwealth Minister for Transport and all other State Ministers involved in road building and trying to sort out the provisions of the new Commonwealth Aid Roads Act, which will be given a new title and which will apply from July 1, 1974. This matter is very much in my mind, and positive action is being taken. Secondly, from the way he has spoken the honourable member is probably not aware that I received a deputation in my office last week led by one of his colleagues from the Upper House.

Mr. Gunn: I am fully aware of that.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I do not know whether the honourable member was invited, but he was not present. I had just received information in writing about some difficulties in that area, and I told the honourable member from the Upper House (and I now tell the honourable member for Eyre) that I would take immediate action to try to relieve the plight of these people. Obviously, there is a problem but, if it is possible to overcome the difficulty, we will do so. I understand that there are three pregnant women and two sick children marooned in the area and, obviously, we will take whatever action is necessary to provide assistance.

At 3.13 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

FLINDERS UNIVERSITY COUNCIL

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That one member of the House be appointed, by ballot, to the Council of the Flinders University of South Australia, as provided by the Flinders University of South Australia Act, 1966-1973, in place of the Hon. D. J. Hopgood, resigned.

Motion carried.

A ballot having been held, Mrs. Byrne was declared elected.

SUPERANNUATION (TRANSITIONAL PROVISIONS) BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to empower the South Australian Superannuation Fund Board to make certain arrangements to facilitate the introduction of a new scheme of superannuation; to require contributors to the South Australian Superannuation Fund to make certain elections; and for other purposes. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

Members will be aware that it is the intention of the Government to bring down a Bill in this resumed session to provide for a new scheme of superannuation for persons employed in its service. In the course of the preparation of that measure it became clear that, if the scheme encompassed by it is to come into operation on July 1 this year, the South Australian Superannuation Fund Board will require legislative authority to take certain preliminary steps well before that day.

In substance, this Bill empowers the board to require present contributors to make certain elections as to the conditions under which they will enter the proposed new scheme. It is essential that the board be apprised of the wishes of each contributor in these matters well before the date of operation of the proposed new scheme, not the least for the reason that it relies heavily on the use of computers, which, while they are capable of performing mathematical feats of great complexity very speedily, require a considerable amount of time to programme.

However, at the outset I wish to make clear that consideration of this Bill need not and indeed should not involve consideration of the merits or demerits of the proposed new superannuation scheme. Such consideration should be deferred until the Bill providing for that scheme is placed before you. In short, this present Bill is a machinery measure only and its passage by this House should in no way inhibit consideration of the proposed new scheme. Should this House, in its wisdom, ultimately reject the proposed new scheme the elections made by contributors pursuant to this measure will, of course, have no effect. For these reasons, I ask that this Bill be given a speedy passage, since it is clear that unless it is passed and in operation within a comparatively short period an orderly introduction of the proposed new scheme on the date proposed could not be achieved.

Clause 1 is formal. Clause 2 provides for the Act presaged by this Bill to come into operation on April 2 this year. This is not to suggest that consideration of this measure can be deferred until some time nearer that day. If the time schedule proposed in relation to the introduction of the new scheme is to be adhered to, much work remains to be done before that day. Clause 3 contains the definitions necessary for the measure. The definition of greatest significance is that of a "prescribed contributor", who is in effect a contributor who on June 30, 1974, will be within six months of the age at which he or she may retire under the proposed new scheme.

Clause 4 empowers the board to require present contributors to choose the level of benefit that they wish to contribute for under the proposed new scheme. In substance, this involves a choice of contribution rate, the higher being for the maximum benefit, the lower being half the higher rate and entitling the contributor to a benefit of half the maximum benefit. The choice is essentially one for the contributor in the light of his financial circumstances and other commitments. Clause 5 (1) enables a contributor who, under the present Act, has what are known as "neglected units" (that is, units in respect of which he does not make contributions and in respect of which he will not receive a pension) to make additional contributions under the proposed scheme so as to derive a pension directly related to those units.

Subclause (2) of this clause relates to a contributor whose present contributions exceed those he will be required to make under the proposed new scheme. If this contributor desires to make only the payments he is required to make, his final pension will be subject to deduction of a fixed sum that will be notified to him or he may avoid this deduction by somewhat increasing his contributions by a fixed amount that will also be notified to him. A further effect of this subclause is to provide that a person liable to make a payment referred to in subclause (1) of this clause must elect to make that payment before he can elect to make the payment provided for by this subclause. Finally, I point out that "prescribed contributors" referred to above are not able to make an election under this clause. They will, however, be able to achieve

the same result by making a lump-sum payment provided for in the proposed new scheme.

Clause 6 merely provides for the situation where a contributor does not make an election required of him under this measure. It is not thought that there will be many such cases, but prudence demands that such a provision shall be included. The result of not making an election will be for contributors who are at present contributing for half or more of their present pension entitlement to be deemed to be higher benefit contributors and all other contributors who fail to make an election to be deemed to be lower benefit contributors. Clause 7 is intended to inhibit the options open to certain contributors being persons who have joined the present scheme since January 1, 1973, but who were eligible to join the scheme not less than two years before that day. Contributors who fall into this category, it is felt, should not be able to take undue advantage of the somewhat generous transitional arrangements, and accordingly the options that they may exercise on transfer are somewhat more restricted than they would otherwise be. If any such contributor does not desire to exercise the options to make payments open to him he will, in future, be treated as a new contributor under the proposed new scheme.

Clause 8 provides that any "prescribed contributor" (that is, a contributor who was described in relation to clause 3) who has not actually made any contributions to the fund is to be treated as a new contributor under the proposed new scheme. It is felt that it would be clearly inequitable to make available to such a person the advantages of the transitional provisions. Clause 9 entitles any present contributor to withdraw from the present scheme, and if he does so he is entitled to a refund of his previous contributions to the fund, together with interest calculated in accordance with the formula set out in this clause. Finally, I again remind honourable members that this measure is but a machinery one. Without its speedy passage it will be almost impossible to introduce any new scheme of superannuation by July 1. Whether any such scheme is in fact introduced on that day lies, of course, within the hands of this Parliament in its consideration of a measure which will, in due course, be placed before members.

Dr. EASTICK secured the adjournment of the debate.

OMBUDSMAN ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Ombudsman Act, 1972. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This short Bill arises from certain recommendations made by the Ombudsman to the Government. Since the recommendations relate to disparate matters, they can conveniently be considered in relation to the clauses of the Bill. Clause 1 is formal. Clause 2, at paragraph (a), amends the definition of "authority" by providing that the Council of the University of Adelaide will be an authority for the purposes of the Act and hence subject to the jurisdiction of the Ombudsman. The need for special mention of this body is because, in terms, it does not fall within the general description of an authority since no member of it is appointed by the Governor or a Minister of the Crown. This amendment appears desirable to ensure that the

University of Adelaide is in no different position from the Flinders University of South Australia, whose council is already subject to the jurisdiction of the Ombudsman, as are all other tertiary institutions in this State.

At paragraph (b), this clause amends the definition of "department" by removing the necessity for declaring each new department created under the Public Service Act to be a department subject to the jurisdiction of the Ombudsman. In practice, such a procedure has been found time-consuming and unnecessary. Accordingly, as amended, the definition will provide that all departments for the time being constituted under the Public Service Act will be within the jurisdiction of the Ombudsman unless for some reason they have been specifically removed from his jurisdiction. Paragraph (c) of this clause provides for the revocation or variation of proclamations made under the preceding provisions of this section. Clause 4 provides that the Ombudsman will make his annual report directly to Parliament rather than through the agency of a Minister of the Crown. This procedure, in the Ombudsman's view, with which the Government agrees, reflects more accurately the independence of the Ombudsman and also indicates his special relationship with Parliament.

Clause 5 is a drafting amendment to resolve an apparent conflict between section 30 of the principal Act, which prevents the Ombudsman or any of his officers from giving evidence before a court on any matter coming to his knowledge in the exercise of his functions under the Act, and section 28 of the principal Act, which enables his jurisdiction to be determined in the Supreme Court. The proposed amendment makes clear that the restriction on giving evidence will not apply where the very jurisdiction of the Ombudsman is in question. Clause 6 is consequential on the amendments effected by clause 2 (b) already adverted to.

Mr. EVANS secured the adjournment of the debate.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the State Government Insurance Commission Act, 1970. Read a first time.

The Hon. D. A. DUNSTAN: This Bill provides for life assurance to be written by the State Government Insurance Commission. I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

Members will recall that the principal Act, the State Government Insurance Commission Act, 1970, in its terms precluded the commission from undertaking the business of life insurance. The Government has now received a recommendation from the commission that it be permitted to enter that field of insurance. In making its recommendation, the commission has taken into account, amongst other things, the fact that (a) there is a growing tendency on the part of insurers in this State to offer a complete insurance service (that is, one covering general and life insurance) and any insurer obliged to confine itself to only one aspect is likely to find its ability to give complete service to its customers somewhat restricted; and (b) the creation of a fund from life insurance premiums paid to the commission will, in time, generate a considerable amount of moneys available for investment in both the Government

and the private sectors of the State. The Government has accepted the recommendation of the commission, and this short measure provides the legislative framework within which the commission may undertake life insurance business.

Clause 1 is formal. Clause 2 amends the long title to the principal Act by striking out certain words of limitation, so making clear that the commission may enter into the business of life insurance. Clause 3 amends section 12 of the principal Act, which sets out the functions of the commission, and again is intended to remove the limitations that prevented the commission from entering the business of life insurance. Clause 4 is a significant clause, and I draw honourable members' particular attention to it. It removes the present limitation in section 16 (a) of the principal Act on the investments that may be made by the commission to what may be generally termed "trustee securities" and replaces it with a considerably wider power of investment. The only limitation now proposed is that the investments must be approved by the Treasurer. It goes without saying that the investment policy of the commission will be a prudent one, if for no other reason than the existence of section 15 of the principal Act. The plain economic facts of the matter are that in these inflationary times an investment programme limited to relatively long-term and relatively low-interest trustee securities is just not capable of keeping pace with the situation. The need for investment powers of the nature proposed becomes even more apparent upon the proposed entry of the commission into life insurance.

Dr. EASTICK secured the adjournment of the debate.

WATERWORKS ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Waterworks Act, 1932-1972. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is divided into two major parts. The first of these commences from the beginning of the 1973-74 rating year. The second major part is to commence from the beginning of the 1974-75 rating year. The purpose of the first series of amendments, which are to commence from July 1, 1973, is to clear up doubts about the power to levy differential rates under the principal Act and to deal with various other relatively minor matters. The amendments accordingly provide that no rate declared either before or after the commencement of the new amendments shall be held to be invalid on the ground that it differs from a rate declared in some other water district. This provision is inserted because the Crown Solicitor has reported that it is not altogether clear that there is power to levy differential rates as between water districts. The amendments provide for the declaration of water districts as country lands water districts.

This amendment, which is designed ultimately to replace the present outdated schedule of country water districts, will not come fully into effect until the commencement of the 1974-75 rating year. Amendments are made to section 10 of the principal Act under which the Governor is empowered to make regulations on the subjects mentioned in that section. The power is at present vested in the Minister, but it is considered more appropriate that a regulation-making power of this kind should be exercised

by the Governor. Various metric amendments are made to the principal Act. Provisions are inserted facilitating the proof of an agreement under which water has been supplied by the Minister.

The second series of amendments, which are to commence from the beginning of the 1974-75 rating year, is of greater significance. Under the present provisions of the principal Act a system of water rating exists under which the consumer pays an annual rate, which entitles him to the use of a certain quantity of water. If he uses water beyond that entitlement, he is liable to a further payment based on the additional quantity of water so used. Under section 72 of the Commonwealth Income Tax Assessment Act only the rate component of the total charge of water qualifies as an allowable deduction for non-business taxpayers. The charges made for additional water consumption are not allowable deductions for these taxpayers. In effect, the present rating system requires householders to pay for a certain quantity of water depending on the value of their property, irrespective of whether that quantity of water is required. Now, it is necessary, of course, for a water supply authority to fix its charges at a level that will give it revenue to operate. These charges can be entirely by way of rates or by payment for water used.

The first method would confer total deductibility in respect of payments made by non-business taxpayers, while the second method would confer none. In Brisbane the first method is used with very few exceptions, and non-business taxpayers may deduct a total payment made. In South Australia and other States, the situation generally is that the largest component of the charges made is by way of rates. In fact, the water allowance in respect of rates paid is such that the majority of consumers need no further water. The difficulty, however, of this system is that it may lead to wasteful use of water as, in general, the consumer can use more water than he actually requires without having to make any further payment. This situation must inevitably cause concern in a dry continent like Australia, and particularly in a State like South Australia, where water supply is difficult and costly.

In 1970, a special committee, after hearing submissions from all interested sections of the community, submitted a report in which it suggested that the present system of rating was not equitable and was conducive to waste, and that greater emphasis must be placed on payment for water used. The same conclusions were also reached by the Royal Commission of Inquiry into Rating, Valuation and Local Government Finance held in 1967 in New South Wales, which reported that the need for conserving water and for treating different consumers equitably required that a greater measure of payment for water used should be introduced into the system of water rating and charging. A similar approach is adopted by the Australian Water Resources Council.

The effect of the amendments proposed in Part III of the Bill is to establish a system of rating under which all charges for water become rates. The amendments therefore provide that the principal basis for calculating rates is the amount of water supplied to a property. However, if this amount does not exceed a basic component calculated on the basis of the annual value of the land or a minimum amount fixed by the Minister, then the rates will be fixed at that base level. This amendment will therefore enable the Government to declare rates that will be tax deductible in all instances (subject, of course, to limitations imposed under the income tax law of the Commonwealth). It will therefore make the rating system much more flexible,

and enable the Government, as the need arises, to formulate rating policies based more heavily on the quantity of water actually consumed by the ratepayer.

Clauses 1 to 4 are formal. Clause 5 inserts a definition of "country lands water district", and makes certain other minor amendments to the definition section of the principal Act. Clause 6 makes an amendment consequential on the repeal of the Compulsory Acquisition of Land Act, 1925. Clause 7 removes any doubt about the validity of differential water rating as between water districts. Clause 8 empowers the Governor to declare any water district to be a country lands water district. Clause 9 provides for the Governor to make regulations. This is substituted for the present power of the Minister to make by-laws. Clauses 10 and 12 make amendments consequential on the repeal of the Compulsory Acquisition of Land Act, 1925. Clauses 11 and 13 make metric amendments; clause 14 makes a consequential amendment; and clause 15 makes drafting amendments.

Clause 16 facilitates the proof of agreements under which water is supplied by the Minister. Clauses 17 to 22 make minor amendments to the principal Act, some of which are consequential on previous amendments and some of which are related to metrification. Clauses 23 to 25 are formal. Clause 26 inserts various definitions that are necessary for the purpose of the new rating provisions. Clause 27 enacts a new section 66 in the principal Act. This new section confers the power to levy rates. It provides, in effect, that the rates are to be calculated on the basis of the quantity of water supplied. If, however, the rates so calculated do not equal or exceed rates based on annual value or fixed by the Minister as minimum rates, then the rates applicable to the land will be calculated on the basis of the annual value or the minimum rates, as the case may require.

In the case of land that forms part of a country water district, the basic component of rates will be calculated on the basis of the average unimproved value a hectare of the land and its area, or the minimum rates applicable to the land. Subsection (4) provides the Minister with the power to fix rates on the basis of various factors. Subsection (5) provides for the fixing of differential rates. Subsections (6), (7) and (8) deal with the valuations on the basis of which rates shall be calculated. Clauses 28 to 30 make consequential amendments to the principal Act.

Clause 31 enables the Minister, in his discretion, to levy water rates on two or more parcels of land that are subject to the same ownership or occupation as if they constituted a single parcel of land. Conversely, he may levy rates separately on a parcel of land, notwithstanding that it is held jointly with other land under the same ownership or occupation. Where the water supplied to two or more separate parcels of land is not separately measured, the Minister may apportion the total volume of water amongst the various parcels in such manner as he considers just. Clause 32 repeals section 89 of the principal Act. This is a consequential amendment. Clauses 33 and 34 make consequential amendments to the principal Act.

Clause 35 repeals and re-enacts section 94 of the principal Act. This section deals with the time for payment of rates. Basically the system will remain unaltered. The ratepayer will pay the minimum amount for which he is liable in four instalments and, if it subsequently seems that he is liable for a further amount, he must pay that on receiving a written demand by the Minister. Clauses 36 to 38 make consequential amendments. Clause 39 repeals Part VI of the principal Act. This Part at present deals with

levying a construction rate on country lands. The provisions of this Part are now incorporated in new section 66.

Clause 40 provides for the commencement of proceedings for an offence against the principal Act at any time within two years after the date of the alleged commission of the offence. This amendment is necessary because offences are sometimes not detected until a substantial time after they were committed. Clause 41 repeals section 115 of the principal Act. This section, which imposes time limitations on the commencement of proceedings by and against the Minister, is a rather out-dated provision that is accordingly removed. Clauses 42 to 44 make consequential amendments to the principal Act.

Mr. COUMBE secured the adjournment of the debate.

SEWERAGE ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Sewerage Act, 1929-1972. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The Sewerage Act has not been consolidated since 1936 and, as this task is shortly to be undertaken, the Act has undergone a critical review. One of the principal objects of this Bill is therefore to correct minor inconsistencies and ambiguities and effect sundry amendments in the nature of statute law revision amendments, at the same time striving for uniformity with the Waterworks Act. Certain doubts have been raised about the Minister's power to fix differential rates for drainage areas and, therefore, the second purpose of this Bill is to give the Minister a clear and unambiguous power to do so. The Crown Solicitor has advised that the validity of certain existing rating practices is open to question: hence, the Bill seeks to put the matter beyond doubt. I shall now deal with the clauses of the Bill in detail.

Clause 1 is formal. Clause 2 makes the Act retrospective to July 1, 1973, for the purposes of the amended rating provisions. Clause 3 effects a statute law revision amendment consequential on the enactment of the Land Acquisition Act. Clause 4 validates any differential rate that may have been declared before this Bill becomes law. Clause 5 brings the regulation-making power into line with standard practice, whereby regulations are made by the Governor in Council and not by individual Ministers. Clause 6 achieves procedural uniformity with the Waterworks Act in the proclaiming of drainage areas under the principal Act.

Clauses 7, 8, 9, 10 and 11 adopt procedures designed to attract the operation of the Land Acquisition Act with respect to disputes arising between the Minister and claimants for compensation. Clause 12 effects an amendment consequential on an earlier redefinition of "land" to include "premises". Clause 13 contains a metric conversion, and clause 14 effects a consequential amendment. Clause 15 provides that plans must be lodged with the Minister before any building or extension thereto is constructed. The Act at the moment limits this obligation to the building or rebuilding of any house and, therefore, problems arise with respect to other kinds of construction that may be built over or may obstruct mains or drains. Also, all plans ought to be vetted before any work is started with a view to ensuring proper drainage into the sewerage system. Clause 16 effects a consequential amendment. Clause 17

provides that penalties may be recovered from persons who obstruct or encroach on sewers, whether it is done knowingly or not. A defence is provided for the person who did not and could not with reasonable diligence ascertain the position of the sewer or drain. Clause 18 grants a clear power to the Minister to declare differential rates within the same or as between different drainage areas. Rates for land in a country drainage area must not exceed 12½ per cent of the annual value of the land. Clause 19 repeals section 74a of the principal Act which dealt with rates in country areas.

Clauses 20 and 21 remove words now superfluous as land is not now assessed under and by virtue of the Sewerage Act. Clause 22 repeals section 98 of the principal Act, which is superfluous on the enactment of the Land Acquisition Act. Clause 23 brings this procedural section in line with the Waterworks Act, and thus makes the task of prosecuting offenders under the Act a little easier.

Mr. WARDLE secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (SPEED)

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961-1973. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted

EXPLANATION OF BILL

This Bill, which is to come into force on July 1, 1974, makes one major amendment to the Road Traffic Act, and combines this with various metric amendments. The major amendment consists in the repeal and re-enactment of section 48 of the principal Act. This section at present provides that a person shall not drive a vehicle at a greater speed than 60 miles an hour. However, it is a defence to a charge under this section if the defendant satisfies the court that the speed at which the vehicle was driven was not dangerous having regard to all the relevant circumstances. The total effect of this provision is, therefore, that unless the vehicle is actually involved in an accident resulting from excessive speed there is little chance of the police launching a successful prosecution.

There is abundant evidence to prove that excessive speed is a major cause of road accidents. Anything that can

be done to deter drivers from travelling at excessive speeds should therefore have a beneficial effect on road safety. The new provision inserted by the Bill provides an absolute speed limit of 110 km an hour: this is about 68 miles an hour. The new provision is in line with an Australian Transport Advisory Council recommendation. The detailed provisions of the Bill require no particular comment. Where conversions have been made into metric terms, care has been taken to ensure that members of the public are under no greater obligations than they were previously. The provision under which the absolute speed limit is imposed is clause 5.

Mr. BECKER secured the adjournment of the debate.

ADJOURNMENT

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That remaining Orders of the Day, Government Business, be made Orders of the Day for tomorrow.

Motion carried.

The Hon. D. A. DUNSTAN moved:

That the House do now adjourn.

The SPEAKER: Is the motion seconded?

The Hon. J. D. CORCORAN: Yes, Sir.

Mr. HALL: Mr. Speaker—

The SPEAKER: The motion is "That the House do now adjourn".

Mr. HALL: Mr. Speaker—

The SPEAKER: For the question say "Aye", against "No". The Ayes have it.

Mr. HALL: Divide.

The House divided on the motion:

Ayes (41)—Messrs. Allen, Arnold, Becker, Broomhill, Dean Brown, Max Brown, and Burdon, Mrs. Byrne, Messrs. Chapman, Corcoran, Coumbe, Crimes, Duncan, Dunstan (teller), Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Höpgood, Hudson, Jennings, Keneally, Langley, Mathwin, McAnaney, McKee, McRae, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Venning, Virgo, Wardle, Wells, and Wright.

Noes (3)—Messrs. Blacker, Hall (teller), and Millhouse.

Majority of 38 for the Ayes.

Motion thus carried.

At 3.36 p.m. the House adjourned until Thursday, February 21, at 2 p.m.