HOUSE OF ASSEMBLY

Thursday, October 21, 1976

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation (No. 3),
Art Gallery Act Amendment,
Road Traffic Act Amendment (No. 1),
Salaries Adjustment (Public Offices),
South Australian Local Government Grants Commission.

DEATH OF HON. T. C. STOTT

The Hon. D. A. DUNSTAN (Premier and Treasurer): By leave, I move:

That this House express its regret at the death of the Hon. T. C. Stott, C.B.E., former member for Albert from 1933 to 1938, and for Ridley from 1938 to 1970, a total of 37 years continuously, during which time he was twice elected Speaker of the House of Assembly, from 1962 to 1965 and from 1968 to 1970, and also served on the Joint Committee on Subordinate Legislation from 1944 to 1950; that the House place on record its appreciation of his long and meritorious service, both to this House and to the State; and that, as a mark of respect to his memory, the sitting of the House be suspended until the ringing of the bells.

Mr. Stott gave one of the longest services to this House of any member in its history. He was very much an individualist. He had a very close association with the wheatgrowers and woolgrowers organisations, and he was very largely the author and sponsor of the co-operative bulk handling system in South Australia. He has given marked service to the State, and I am sure that all members would wish to pass on their sympathy to his family.

Dr. TONKIN (Leader of the Opposition): By leave, I support and second the motion. Tom Stott was a household name in South Australia. He began his interest in local affairs when he was elected President of his local agricultural bureau in 1918. He was elected to the executive of the Farmers Protection Association in 1927 and was one of the committee that framed the constitution for the South Australian Wheatgrowers Association in 1930; in fact, he was the first General Secretary of that association as long ago as 1928. He was elected to Parliament, as the Premier has said, in 1933, and he retired from Parliament in 1970—a remarkable achievement for anyone. In all that time he maintained his independence, an independence of which he was fiercely proud. He was, as the Premier has said, closely associated with wheatgrowers and their well-being. His work was recognised by the Queen when he was created a Commander of the Order of the British Empire in 1954. He was Speaker of this House for two periods, being elected in 1962 and again in 1968.

Mr. Stott was a keen racing man, and was President of the South Australian Racehorse Owners Association in 1962. The Premier has referred to Mr. Stott's contribution to the South Australian Bulk Handling Company. It has been said quite often that the silos and port facilities that exist in South Australia are a fitting memorial to this man's achievements. When he retired from politics after such long service, his retirement drew forth the following comment from the *Advertiser*:

Without Mr. Stott, politics in South Australia will not be quite the same. His independent stance has placed him in some extraordinary positions. He was the leading force to destroy the Butler-Foots majority and threatened its future in 1938. It is perhaps no wonder that he is the last of the Independents. In his 37 years as member for the wheat seat of Ridley, he has pursued what he has seen as the interests of his constituents with persistent tough-mindedness and force. He did not endear himself to everyone. But, like him or not, his opponents could not ignore him. In the grey wastes of State politics, Tommy Stott has been one of the few able to impress his character on the public mind. His departure from politics in South Australia will be noticed more than most.

I, with members of the Opposition, associate myself with those comments in the *Advertiser*. We also extend our deepest sympathy to Mr. Stott's wife and family.

Mr. MILLHOUSE (Mitcham): By leave, I support the motion. I also support what has been said about Mr. Stott by the Premier and the Leader. However, my recollections of Mr. Stott are rather more personal than the formalities and details of his career. For most of the time that he and I were both in the House together he sat hereabouts. When I first entered the Chamber there were four Independents. I believe that Mr. Stott was the last Independent to survive, having retired in 1970.

He always made his presence felt when he was in the Chamber. I remember him especially when he presided over the House during the two Parliaments when the composition of the House was not much different from what it is now. He had to preside over a House that was evenly balanced, and he used to show his impartiality. I remember particularly, when I was a Minister, he used to get stuck into me on the front bench over there and afterwards he would say, "I have to show my impartiality, I know you can take it, so I always pull you up." He was quite right, of course, and I did not mind that at all. As the Leader said, he did not endear himself to everybody, but he endeared himself to me on a personal level; I liked him. While I owed him some gratitude for some of his decisions, the reverse was also true, but that did not spoil the personal regard I had for him, and I am very sorry to hear of his death. I offer my sympathy to his widow, Linda, and I shall certainly be remembering him and what he did during his long career in this place.

Mr. BLACKER (Flinders): By leave of the House, I support the motion. The late T. C. Stott, or "T.C." as he was often known, developed quite a character atmosphere in the political scene of South Australia. Whilst I never had the opportunity of sharing with him any of his political activities, I know he built up quite a reputation. The late Mr. Stott was one of the original Country Party members, when that Party was a separate entity prior to the formation of the Liberal and Country League. He was one of the persons who could not go along with the amalgamation that took place at the time and, as a result, he remained an Independent for the rest of his political career. The name of Tom Stott and the electorate of Ridley have become synonymous with the political history of South Australia, and he is to be remembered for that. I extend my sympathy, with that of other members of the House, to his widow.

Mr. NANKIVELL (Mallee): By leave, I should like to associate myself with these remarks. As a former member

for Albert and as the successor to Mr. Stott in the district that was Ridley until the redistribution in 1970, I know the regard in which he was held by his electors in that area. He was a very forceful person. As has been said, he did not always endear himself to people, but he was objective and he achieved most of the aims that he set himself to attain in this place. I believe that, as a consequence of his representation, his district benefited considerably. I express my sympathy and that of my electors to Mrs. Stott in her bereavement.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 2.14 *to* 2.27 *p.m.*]

PETITION: PORT LINCOLN MOORING

Mr. BLACKER presented a petition signed by 246 yachtsmen, fishermen, and residents of Port Lincoln, praying that the House urge the Government to recommend to the Coast Protection Board that the swimming pool adjoining the main town jetty be encircled by a walkway on the north-west side to which vessels could moor.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

BLOOD SAMPLES

In reply to Mr. RUSSACK (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: The advisory committee which I established to advise me on the legislation under the Road Traffic Act and the regulations made under that Act for the compulsory taking of blood samples from road accident victims attending or admitted to an approved hospital has recently reviewed the administration of the legislation in the light of experience of three years of operation. The committee, in consultation with the Director-General of Medical Services, has recommended that the number of approved hospitals be increased from 11 to 46 throughout the metropolitan and country areas. The Director-General of Medical Services is negotiating with the various boards of management of the additional 35 hospitals concerning the necessary administrative arrangements for the implementation of the extended services. When these negotiations have been satisfactorily completed, an amendment to the regulations will be made to declare these additional hospitals as approved hospitals for the purpose of taking compulsory blood samples.

ROAD TRAFFIC LAWS

In reply to Mr. ALLISON (October 14).

The Hon. G. T. VIRGO: The road traffic legislation in South Australia conforms with the national code, and has been adopted after careful consideration. If the legislation were amended to require vehicles to travel in the left lane except when overtaking, that lane would become overloaded and lane-changing manoeuvres would be no less frequent than at the present time. The existing system is considered to be the most advantageous taking all features into consideration. The erection of the signs "Slow vehicles use left lane" has proved effective, and studies have shown that more than 90 per cent of all slow moving vehicles observe these signs and keep to the left lane. Unfortunately, some motorists disregard these signs, leading to frustration of other faster moving motorists using the right-hand lane. The problem to which the honourable member refers is one of road courtesy and consideration for others which would be impractical to overcome by legislation. Nevertheless, I have taken the matter up with the Chairman of the Road Safety Council with a view to conducting education programmes and publicity campaigns aimed at overcoming these problems.

LOXTON HIGH SCHOOL

In reply to Mr. NANKIVELL (October 6).

The Hon. D. J. HOPGOOD: The delay concerning the repaving sections of the school yard at the Loxton High School was caused by the need to re-lay water services. The Public Buildings Department considered it was unlikely that the existing galvanised iron piping would stand any further soil movements which are prone to occur on this site. Consequently, the existing piping will be replaced by a P.V.C. service as part of the total work. In view of the extensive nature of the work entailed, it is unlikely that it will be completed before April, 1977.

WEST LAKES SCHOOLS

In reply to Mr. HARRISON (October 6).

The Hon. D. J. HOPGOOD: There is one primary school already in operation within the West Lakes area (Semaphore Park Primary School), which opened in 1975 and now has some 450 students. It is designed to accommodate 600 pupils. Three other primary school sites are under consideration: West Lakes (Shore) Primary School, Delfin Island Primary School, and Seaton West Primary School. It is hoped to have West Lakes (Shore) Primary School in operation during 1978, and design work is under way. Delfin Island Primary School will probably be constructed within the 1981-82-83 time span, depending on the rate of development. Seaton West Primary School would be constructed only if Grange Primary School became overcrowded. A secondary school site has been provided adjoining the West Lakes (Shore) Primary School site. However, surplus secondary accommodation exists within the fringe areas of West Lakes, and it may be possible to provide enough secondary places in the surrounding schools, including Royal Park, Port Adelaide, Seaton, and Henley High Schools, thus avoiding the construction of a specific West Lakes Secondary School.

MOBILE RESOURCE UNITS

In reply to Mrs. BYRNE (October 20).

The Hon. D. J. HOPGOOD: Funds were made available through the Childhood Services Council late in the 1975-76 financial year for the purchase of five mobile resource units, three of which are to be allocated to the Community Welfare Department and two to the Kindergarten Union. The vans will be deployed to service the following areas:

Modbury (Modbury Heights, Modbury North and areas of isolated community development within the district).

Taperoo (North Haven, Peterhead, Birkenhead and pockets on LeFevre Peninsula not currently served by a childhood facility).

Christies Beach (numerous isolated pockets in the Noarlunga District presently disadvantaged by the absence of childhood services).

Port Augusta and Kangaroo Island (isolated communities with inadequate pre-school and child orientated services).

The essential operational feature of these mobile units is that they involve representation by the Community Welfare Department, the Kindergarten Union, the Education Department, the Mothers and Babies' Health Association and the Play Group Association on an integrated basis, to provide an outreach service presently denied (to a greater or lesser degree) to the parents and children of the communities to be served. The nature of the services to be delivered by the vehicles is descriptive of the organisations co-operating in the venture, but it is of interest that each unit contains an educational toy library as a resource to be drawn upon both by families with young children and care-givers under the family day care scheme. Orders were placed in July 1976 for 1-ton Holden chassis with special frames and delivery of the five units is expected this month; complete equipping of the mobile vans is expected by the end of October, and shortly after they will be relocated into the areas to be served. Experience to date with similar units in Whyalla and Elizabeth has demonstrated a ready community response to their operation; they are particularly valuable in servicing diversified family day care and play-group activities. It is confidently expected that public reaction to the five new units will be equally favourable. Indeed, the few field workers striving to cope with mounting service demands in the districts involved are eagerly looking forward to the arrival of the vehicles to enable them to more effectively support home based childhood services. A major advantage in the acquisition of these mobile resource vans is that, once a district is adequately provided for by other means, the units can be redeployed immediately into other developing but disadvantaged areas.

CAREER EDUCATION PROJECT

In reply to Mr. WHITTEN (October 12).

The Hon. D. J. HOPGOOD: Initially, 11 high schools were selected to introduce pilot programmes to assist a selection of school-leavers in the transition from school to employment. The schools selected are largely in those areas where there is already a high unemployment rate amongst young people. Students to be involved in the programme for the remainder of this year will be largely those who have made a number of applications for employment and have been unsuccessful because of poor preparation with respect to presentation and interview techniques. The programme will make these students more competitive; it will not ensure them of employment, as it will not create jobs. This is a point which cannot be emphasised too strongly, in that jobs will be available only once the Federal Government takes action to stimulate their creation. The number of pilot schools selected has been increased to 13 by the inclusion of Thebarton and Angle Park High Schools. Eleven of these schools are in the metropolitan area and two were from country areas, but this has now decreased to one country high school because Port Augusta High School has decided that it is not prepared to be involved in the pilot programme at this stage. Teachers to be involved in these school based pilot programmes underwent a training programme which was developed by the Project Co-ordinator in conjunction with personnel from the Youth Work Unit. The training programme was held at the Further Education Department Training Centre. The initial contact made with employers as part of this programme has been very encouraging. They expressed the view that this type of programme is essential and are prepared to co-operate in its development. The project will be expanded to include:

(*a*) additional schools where there is a large number of exit students still without offers of employment and who indicate that they have viable programmes and are in need of assistance in the form of additional personnel to put these programmes into operation,

(*b*) expansion of programme in pilot schools to cater for students returning in 1977 because they have not found employment,

(*c*) a greater number of country students be brought to the metropolitan area for work experience and career development, and

(*d*) the establishment of two curriculum teams; their task will be to plan, design, implement and evaluate material that can be used as a basis for career education curricula in the total education programme of schools.

The total programme does not, in itself, do anything to create additional employment, the need for which is the core of the problem. However, it will better prepare students in the transition from school to employment and assist them in their ability to cope with the problems of total living. It is envisaged that career education will continue as an integral part of the total education process, even after the problem associated with insufficient jobs disappears. Increasing concern is being expressed by educators and employers for the lack of preparation that schools have given their students in this area in the past. The visit to be arranged to bring Kangaroo Island students to the metropolitan area in career education and work experience is the first of many such visits for country students. Twenty students from Kingscote Area School and 20 students from Parndana Area School will come to Adelaide from November 21 until December 3. They will be accommodated at the Commonwealth Pennington Hostel. Each student will pay $25 towards the cost of transport and accommodation; the remainder will be funded from funds supplied to the Education Department by the Youth Work Unit. During their visit the students will be familiarised with the work environment, the activities of the Job Hunters Club, career guidance, and will be involved in a programme in conjunction with Port Adelaide High School in career education and the development of survival skills necessary for employment.

ELECTORATE OFFICE FACILITIES

In reply to Mr. EVANS (Appropriation Bill, September 23).

The Hon. D. A. DUNSTAN: In keeping with the undertaking I gave on September 23, 1976, I have made inquiries concerning the matters of the issue of photo-copying paper from Parliament House and the servicing of members' own electric typewriters. I have been informed that the member

for Fisher originally made a request to the Minister of Works for the issue of a quota of photo-copying paper from departmental supplies, and this request was referred to the Speaker, who declined the request on account of the cost. Any further approach on this matter should be made to the Speaker. The matter of servicing of typewriters is undertaken by the Public Buildings Department and the matter raised in this regard should be taken up with that department.

ARTS FINANCE COMMITTEE

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: Membership of the Arts Grants Advisory Committee is as follows:

Ms. R. Wighton (Chairperson)
Mr. M. O'Brien (Deputy Chairperson)
Ms. N. Dutton
Ms. F. Medlin.
Mr. L. North
Mr. D. Munro
Ms. J. Blewett.

The committee's terms of reference are:

1. The committee:
   (*a*) shall be available to the Minister, his department and the Arts Development Branch of the department, to advise and recommend appropriate action on those matters which are referred to the committee for such attention.
   (*b*) shall consider all applications for minor and miscellaneous grants or subsidies up to $15 000 a year, and recommend allocation of funds available for those applications.
   (*c*) shall consider such applications for assistance from major continuous recipients of funds, their artistic programmes, plans, achievements, abilities and funding needs as may be from time to time referred to the committee for advice and recommendation by the Minister, his department, and the Arts Development Branch thereof.
   (*d*) shall be advised by the Arts Development Branch of proposed grants to be made to major continuous recipients and be entitled to comment to the Minister about any aspect of such grants of concern to the committee.
   (*e*) shall recommend such fellowships and scholarships as appear necessary to develop a competent professional artistic community within South Australia, by means of encouraging overseas or interstate artists of high standing to accept residence here for appropriate periods.
   (*f*) may recommend prizes and awards necessary to develop arts in South Australia.

2. The committee shall report to the Minister through the Permanent Head, and function within policy guidelines determined by the Minister from time to time. Membership of the Finance Advisory Committee is as follows:

Mr. J. Holland—Chairperson
Mr. J. Hill—Treasury
Mr. P. Tucker—Secretary.

The Government is examining the possibility of the addition of several new members to this committee in the 1976-77 period, to provide specialist advice on matters of accounting control within arts bodies. It is probable that a representative of the Arts Grants Advisory Committee will attend most meetings to improve communication between the two bodies.

PLANNING APPEAL BOARD

In reply to Mr. EVANS (October 5).

The Hon. D. A. DUNSTAN: The office expenses of $50 000 sought in the 1976-77 Estimates are to provide for the administration of the following tribunals and court:

Planning Appeal Board,
Air Pollution Appeal Board,
Land Price Tribunal,
Builders Appellate and Disciplinary Tribunal,
Wardens Court.

The figure of $31 886 spent on operating expenses during the financial year 1975-76 did not include additional expenses of $1 887·83 incurred by the Builders Appellate and Disciplinary Tribunal for the portion of the financial year September 1, 1975 to June 30, 1976. Actual operating expenses for the financial year 1975-76 were $33 774. The provision for the current financial year includes:

(*a*) a full year's operation of the Builders Appellate and Disciplinary Tribunal which includes provision for travelling expenses to country areas;
(*b*) a full year's operation of the Wardens Court which has been transferred from the Mines Department. A sum of some $8 000 has been provided for the operations of that court;
(*c*) additional expenditure for travelling purposes for the Planning Appeal Board because of the increasing number of appeals coming from country centres;
(*d*) the recent appointment of a fourth judge will also involve further expenses in all areas of the administration;
(*e*) inflationary trends in all areas of expenditure account for the balance of the increase.

Since the preparation of these Estimates a further tribunal, the Water Resources Appeal Tribunal, has been created and will be administered by the staff of the Planning Appeal Board.

MINISTERIAL STATEMENT: MURRAY RIVER

The Hon. J. D. CORCORAN (Minister of Works): I seek leave to make a statement.

Leave granted.

The Hon. J. D. CORCORAN: On January 19, 1973, the Premier of South Australia wrote to the Prime Minister asking that discussions with the contracting Governments to the River Murray Waters Agreement be arranged to consider the salinity problems of the Murray River and a possible role for the River Murray Commission in controlling salinity and other pollution problems in the Murray. A meeting in Canberra in March, 1973, was subsequently arranged and attended by the Prime Minister and the Premiers of South Australia, Victoria and New South Wales, together with their respective Ministers responsible for the administration of water conservation and, in particular the administration of the Murray River. The meeting agreed that a working party of senior officials of the Governments be established to examine and recommend in an initial report urgent interim measures that might be implemented in the short term to deal with salinity problems and also those measures that need to be taken to protect and, where necessary, improve the quality of Murray River waters in respect of long-term salinity control and other forms of pollution.

It was also asked to recommend changes which would be required in the River Murray Waters Agreement to enable the River Murray Commission to undertake these latter measures. The working party was to submit its reports to a steering committee of Ministers. Although the working party commenced its work soon after the meeting of heads of Governments and submitted its interim report within the prescribed time, subsequent progress on the wider issues was quite disappointing, which led me to express the concern of South Australia at a Ministerial meeting held in February, 1975.

It should be emphasised that the initiative for this exercise came from South Australia, and the concerned Government departments of this State made valuable contributions to the several technical subcommittees established by the working party. South Australia is fortunate in that the administration of water affairs is concentrated in one department, and the importance of the Murray River to the State is recognised in all arms of the Public Service.

This state of affairs does not necessarily prevail elsewhere, and the urgency of the problems of the Murray River may not be as evident where the river does not have the salinity problems as experienced in South Australia and does not constitute the most important source of water both for irrigation and public water supplies. The working party eventually presented its report to the Ministerial steering committee on October 30, 1975, at which it was resolved that the recommendations contained in the report be accepted by the Governments.

Unfortunately, the Whitlam Government then in power was removed from office within two weeks of this meeting and the Federal Minister who was Chairman of the steering committee was unable to implement the decisions of the meeting before he was replaced by a representative of the caretaker Government. No action was taken on the report and the resolutions of the steering committee during the caretaker Administration. After the Federal election and installation of the Fraser Government, there was a drastic reorganisation of the Commonwealth Public Service, and the administration arrangements of the Commonwealth Department handling water affairs were disrupted and it was some time before this matter was picked up.

However, I am pleased to say that all Governments have now signified their acceptance of the recommendations of the report, which in broad terms would enable the River Murray Commission to take account of water quality in its planning and operations. This does not mean that the commission will have any statutory power which would override water quality legislation of the riparian States, but it would enable the commission to assume the function of co-ordinating water quality and quantity management of the river.

It would be able to recommend to States standards for water quality, carry out a water quality monitoring programme, initiate and co-ordinate studies concerned with quality management, and make representations to States concerning riverside developments as they relate to water quality in the main stream of the Murray River.

Although it would give the commission authority to release dilution flows to maintain quality when pollution levels exceed recommended standards, it must be clearly understood that the commission will now have to develop new operating rules, as water held in reserve for dilution purposes is water which would not be available for diversion.

Mr. MILLHOUSE: I rise on a point of order. With very great respect, I ask that the Minister either not read the statement and waste time in the way that he is doing or read it in such a way that we can follow and understand what he is saying. This is an absolute farce. I do now know what people in the gallery must think about this gabble that is going on. I ask whether the Minister can either table the document, if that is possible, or read it at a speed that makes it intelligible.

The SPEAKER: Order! There is no point of order. The Minister has asked leave of the House to make a statement and leave has been granted.

The Hon. J. D. CORCORAN: If I could seek leave to insert the statement without reading it, I would do that. However, I understand that Standing Orders do not permit me to do so. I shall be pleased to have it inserted, if I can.

The SPEAKER: We can test the feeling of the House if the Minister would care to ask leave of the House to have this statement inserted.

The Hon. J. D. CORCORAN: I will certainly do that. I ask leave to have the remainder of the statement inserted in *Hansard* without my reading it.

Leave granted.

REMAINDER OF STATEMENT

The next step is to amend the River Murray Waters Agreement to enable the commission to operate under its broadened responsibilities. As it was expected that there would be a considerable time-lag in completing the legislative requirements through the four Parliaments, the Governments have agreed that the commission be authorised to operate immediately within its expanded functions, and it is expected that it will now examine the machinery requirements to enable it to undertake its new role.

Governments have also agreed that in future the commission be enabled to consider any matters of long-term policy significance and submit its recommendations in regard to such matters for consideration by the four Governments as a basis for further amendments to the agreement. Although there has been some criticism of the restricted terms of reference of the working party, the acceptance of this report marks a major step forward in interstate co-operation, and will lead to a significant advance in the management of the Murray River.

The ability of the commission to consider other matters of its own accord without the necessity to set up *ad hoc* committees, such as the working party, should ensure that South Australia's position at the downstream end of the Murray River should be more secure, as it will be able to raise matters of concern through established machinery: hopefully the spirit of co-operation evident in the working party proceedings will continue in future deliberations of the commission when it considers that its charter should be widened further.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Standing Orders having been suspended, the Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961-1976. Read a first time.

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

That this Bill be now read a second time.

Its object is to simplify the provision of the Road Traffic Act that relates to the compulsory wearing of seat belts. As the Act now stands, a person need only wear a seat belt if that belt has been provided "in accordance with the

provisions of the Act". I draw to the attention of members the fact that the Act as it now stands requires a person to wear a seat belt or requires the fitting of seat belts for vehicles first manufactured after January 1, 1967; for the two front seat positions; after January 1, 1970, for all front seat positions; after January 1, 1971, for all positions. It is defined further by reference to lap sash and so on, but I have cited the first three dates to indicate the difficulty now being experienced in determining whether or not the belts are fitted in accordance with the requirements, because it is only if they are fitted in accordance with the requirements that they must be worn, according to the Act as it now stands. This is one of the two things this Bill seeks to amend. With the legislation as it stands the police must establish that the car was manufactured and first registered after a certain year, and that the belt itself complies with certain design rules that are now incorporated in the regulations under the Act. In order to render the seat belt provisions effective and to facilitate their proper enforcement, it is intended that, if a seat belt is provided in a car, it must be worn.

I draw attention to the figures released in January this year by the Road Traffic Board from its latest survey on the availability and use of seat belts, and these show that 82·3 per cent of all passenger cars and derivatives were fitted with seat belts and that 72·3 per cent were required by law to be so fitted. We are seeking in this Bill to overcome the difference in the figures and to resolve the question of whether belts comply with the design law, because that is already provided for in another section. Clause 1 is formal, and clause 2 removes the restricting words from the relevant section of the Act.

Mr. RUSSACK (Gouger): This matter has come before the House in a hurry, and so there has not been the opportunity to investigate the consequences of it to the degree that we would have liked. I realise that some people have firm opinions on the fact that seat belts should be fitted to vehicles, but I think that the onus of wearing the belt should be left with the person in the vehicle. I think the Minister has suggested that, as a result of this amendment, in vehicles fitted with seat belts, the belts must be worn if the vehicle is in forward motion.

The Hon. G. T. Virgo: Yes.

Mr. RUSSACK: We are aware that, since seat belts have been introduced, statistics have proved that many lives have been saved when they have been worn. We know that some consider that they have sustained injury by wearing a seat belt but, again, statistics would confirm that a far greater percentage of those involved in accidents have been helped by having worn seat belts.

It is obvious, because of the way in which this Bill has been introduced, that there is a need to control the wearing of seat belts. I am apprehensive to some degree that a person should be forced to wear a seat belt, although I agree that the belts should be fitted in the vehicle. However, for the reasons I have stated, I have no real objection to the Bill.

Mr. MILLHOUSE (Mitcham): I support the Bill. I do not think the member for Gouger need be too worried about it. Half a minute's perusal of the 1971 Statutes will show the effects of the Bill. It simply means that, in future, if it is passed, the subsection will provide:

After a day to be fixed by proclamation for the purposes of this section—

and that has been done long ago—

a person shall not be seated in a motor vehicle which is in forward motion in a seat for which a seat belt is provided unless he is wearing the seat belt and it is properly adjusted and securely fastened.

There is no secret or mystery about the effect of the amendment, and I do not think the Liberal Party need worry too much about it. I was surprised that the Minister did not say more about the reason for introducing the Bill. I suspect strongly (indeed, I am quite sure) that it is because of Miss Verna Somebody or other who last Monday was charged in the Henley Beach court for not wearing a seat belt. When the police found that she was going to plead not guilty, they made a trifling and transparently stupid excuse for not going on with it, and let her go. She, being something to do with the Workers Party, got a bit of publicity for it. Now we get the Bill, three days later. The inference is irresistible.

The Minister and others on the front bench can deny it until the cows come home, but I would not believe them. That is why we have had the Bill today. My gripe is that the section, to which I have referred, was first passed in 1971. The proclamation was made some time after that, and it seems that, from that date to this, there cannot have been any prosecutions succeed under the section, or very few indeed. This fact must have been known to the police and to the Crown law authorities, and therefore to the Government, for a long time. I wonder why (and I ask the Minister to explain this when he replies to the debate) it has taken this incident to bring the matter to a head in this hurried way. I think that this is extremely bad.

I was the one who first raised in this House the matter of the fitting of seat belts, and then it was I who introduced the Bill that led to their compulsory wearing. I did not know about this loophole, but others must have known about it for a long time. I think it is a disgrace that it has been concealed for all that time. It would have been easy, several sessions ago, soon after this was discovered (because it must have been discovered quite early) to do something about it. My suspicision is (and I would like the Minister to answer this) that the police have not been all too enthusiastic about enforcing this law. I hope that I am wrong but, if I am right, I hope that from now on there will be a blitz to see that people wear their belts and that, if they do not, they will be prosecuted.

Mr. EVANS (Fisher): I am a little different from the member for Mitcham in my approach to the compulsory wearing of seat belts. I oppose that principle. If the legislation, as it has existed since 1971, has not been compelling people to wear belts, and if the law has not been capable of being enforced, I am happy with that situation, and I would be happy to see it continue in that way. I believe that compelling people to have seat belts fitted in their motor vehicles is accepted within society. The individual who wishes to wear the belt to protect his life may do so or, in the case of a junior, if parents wish to have seat belts fitted and ask the child to wear one, that is a family decision. However, when society encourages (as we have been doing, with legislation in this House as recently as yesterday) the opportunity for increased consumption of alcohol, surely we should say that an individual has the right to decide whether to wear a seat belt.

I know some members will say seat belts have saved lives and have prevented injury. However, if the law in our society is to cover every avenue, there will be little freedom left to the individual. I know that some people argue that, if people are injured in motor vehicle accidents, or if deaths and damage occur, insurance rates go up and

the burden on society increases. As a counter to that, I can think of other areas in which, if a person wants to take his life, we say it is up to the individual. We have read in the last fortnight of three people who have died as a result of drugs.

I am making the point that, to me, the principle involved in the compulsory wearing of seat belts is not acceptable. I was happy with the law as it was, and I have no real enthusiasm for this amendment. I do not support the move at all, and I believe it is not possible to enforce the law. The member for Mitcham is a legal eagle. He said he helped to introduce the Bill, but he said that he did not know about the loophole. That is the sort of person upon whom society relies to have the law put into operation. He admits that he did not understand it.

Mr. Millhouse: Are you going to call a division?

Mr. EVANS: No; I openly admit that. If others do, I shall vote with them. There is no benefit if only one person objects, and the member for Mitcham knows that. It is merely grandstanding. I object strongly to being forced to wear a seat belt to protect myself.

Dr. TONKIN (Leader of the Opposition): I support the Bill. I agree that it is unfortunate that it should be brought into the House at such short notice, but I appreciate the action of the Minister of Transport in providing the Opposition with a copy of the Bill, short as it is and prepared as it was, at least some hours before it was due to be brought in.

Mr. Millhouse: Why did your spokesman complain about it then? It takes only half a minute to see what's there.

The SPEAKER: Order!

Dr. TONKIN: That is a pity, because it was quite apparent, to my knowledge at least, several days ago. If it was made apparent to me several days ago it must have been apparent to law enforcement officers a long time ago that this loophole existed. I totally favour closing the loophole. Seat belt legislation has proved most effective in reducing the extent and number of injuries and fatalities involved in road accidents. The principle to which the member for Fisher has referred is a fundamental principle which, of necessity, must be applied to the rights and benefits of the entire community. That is exactly how this legislation should be interpreted. It is a measure of the success of the legislation that most people now, when they first get into their cars, as a matter of habit put on their seat belts. As I remember the debate when this legislation was introduced, that was exactly what we were trying to achieve.

It would be disastrous if we were to do anything now to discourage people from wearing their seat belts or to in any way let them believe that the wearing of seat belts was not a good thing. Although this measure has been rushed in, it is a responsible measure that should have been introduced earlier.

Mr. BECKER (Hanson): I support the Bill. Probably no-one on this side has asked for more action to be taken by the Government about road safety to curb the road toll than I. Unfortunately, I will now have to wear the seat belt that I have installed in my car at my expense. It will be inconvenient.

The Hon. G. T. Virgo: Are you saying that you were not wearing it before?

Mr. BECKER: Yes, because I did not have to. The loophole has existed and, as the member for Mitcham has said, the loophole should be cleared up. Unfortunately, loopholes have been a feature of Government legislation over the years. It is interesting to note that, on October 1, 1974, at page 1202 of *Hansard*, in replying to a question I asked about seat belts and the number of people charged and convicted for not wearing them, I was told that in 1971-72, 18 people were charged and 17 convicted; in 1972-73, 53 people were charged and 49 convicted; in 1973-74, 43 people were charged and 40 convicted; and from July 1, 1974, until October 1, 1974, 21 people were charged and 20 convicted. Up until two years ago it has been proved that some people were not being convicted when charged for not wearing seat belts. It has been obvious for several years that something was wrong with the Act in relation to the wearing of seat belts. This provision will inconvenience people who have vehicles that are fitted with seat belts, and who are not accustomed to wearing them. This practice could be put down to laziness or because these people are too casual. However, it is in our interests to wear seat belts to protect ourselves and, at the same time, protect the lives of other people. This measure makes sense and we should support it.

Mr. MATHWIN (Glenelg): I understand the Minister's hurry in introducing this measure. I also understand what he said about the measure, but I believe there are other reasons for introducing it that he did not explain. My argument is similar to that advanced by the member for Fisher: I am against the compulsion aspect of the Bill. I believe that the wearing of seat belts should be voluntary, and that they should be compulsorily fitted to vehicles—

The Hon. Hugh Hudson: Call a division.

Mr. MATHWIN: There is plenty of division among members opposite without starting division in my Party. Seat belts should be fitted to all cars, but the onus is on the individual to choose whether or not he will wear the belt. There are arguments for and against the use of seat belts. I know two people who would be dead today had they been wearing a seat belt in accidents in which they were involved. Those people would find it most difficult to buckle into a seat belt, which would then be around their shoulders or neck. I oppose the compulsion aspect of the measure; I believe that the wearing of seat belts should be entirely voluntary and the responsibility of those riding in a vehicle.

Mr. CHAPMAN (Alexandra): I support the principle of fitting seat belts to all motor vehicles, and indeed the principle of fitting seat belts to both the front and rear seats so that all passengers may wear belts whilst the vehicle is moving. However, I place some emphasis on the word "may". When the Bill was introduced I did not support compulsory wearing of seat belts by drivers and passengers, and I do not support it now.

Mr. Millhouse: So you'll call a division.

Mr. CHAPMAN: I will answer you when I am ready.

The SPEAKER: Order!

Mr. Millhouse: I bet he doesn't answer at all, but let us wait and see.

Mr. CHAPMAN: I support the compulsion requirements that apply to the Road Traffic Act generally, but this issue disturbs me. The individual's own desire should be preserved. In no circumstances can I support an amendment that reinforces the compulsion for a passenger, or particularly a driver, to wear seat belts. It is simply on that basis that I appreciate the opportunity to put my feelings on record. As for the rude interjections by the member for Mitcham, it is the right of every individual in this place to do what he believes he should do regarding his opinion,

whether or not to call a division, or reply to interjections. I am not obliged to do what the member for Mitcham asks—I never have been or will be obliged. I take up my right to reply to an interjection—

Mr. Millhouse: You haven't given a reply yet.

Mr. CHAPMAN: I have made clear on the record that I am pleased to say that I cannot support drivers or passengers being compelled to wear a seat belt. If the honourable member wishes to sort out the wheat from the chaff or those who wish to participate in a division, I will show him where I stand on the matter.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Wearing of seat belts is compulsory."

Mr. MILLHOUSE: I ask the Minister for an explanation why this Bill has been hurried into the House and why, when it is patently obvious this weakness has been known for a very long time, it is only now after the publicity that occurred earlier this week that we have this short Bill to solve the problem.

The Hon. G. T. VIRGO (Minister of Transport): The second reading explanation gives that explanation. It shows the difficulty the prosecution faced in establishing when the car was first registered, and so on. That difficulty has simply been removed.

Mr. Millhouse: It must have been known for a long time.

The Hon. G. T. VIRGO: It may have been known to the honourable member for a long time.

Mr. Millhouse: No, it wasn't.

The Hon. G. T. VIRGO: The honourable member was claiming the right to this legislation a little while ago, so I would have expected that he, with his legal training, would have made sure there was no loophole that I, without any legal training, had to cover up.

Mr. RUSSACK: Will the consideration for disabled people, and so on, continue?

The Hon. G. T. VIRGO: There is another provision to exempt people who are disabled on medical certificate; this Bill has nothing at all to do with that and does not disturb that position at all.

Mr. MILLHOUSE: The Minister's non-answer to me is an eloquent confirmation of my suspicion and the suspicion of the whole community that this weakness in the Act has been known for a long time and that people were willing to ignore it and do nothing about it until there was some publicity and it was impossible to ignore it any further. I lay blame on the police because they are the ones who, first of all, come across a weakness in any Act. Undoubtedly, they would have had a Crown law opinion about this, and that should have gone through the Attorney-General on its way back to the Commissioner of Police.

Certainly one can vest the responsibility for inaction in this Government over what I suspect must be a number of years. I think that is a disgraceful situation that should not have occurred. I hope that, even though the Minister will not stand up on this point in the House today (and he has shown that by avoiding my question), someone further down the line will get a swift sharp kick for what has occurred.

Mr. RUSSACK: What is the situation concerning people who have been apprehended? Are those cases to be heard or will they be dismissed, so that there will be no retrospectivity regarding the legislation?

The Hon. G. T. VIRGO: I am quite sure that the police, in their prosecuting capacity, will handle that problem in their own way and with fairness to all concerned.

Clause passed.

Title passed.

The Hon. G. T. VIRGO (Minister of Transport): I move:

That this Bill be now read a third time.

I thank members for their indulgence in allowing this Bill to pass.

Bill read a third time and passed.

QUESTIONS RESUMED

DRUGS

Dr. TONKIN: My question is directed to the Minister of Community Welfare, although possibly the Attorney-General may be better able to answer it. What is the result of the investigation into the deaths of three people which occurred in the past week and which were thought to be due, in each case, to drug overdose? What effect have those deaths had on the assessment of the present position with regard to drug dependence in South Australia? Today a third death thought to be due to drug overdose has been reported. Reports of an alarming increase in the use of heroin and other drugs of dependence have also caused considerable concern in the community. The use of these drugs greatly shortens life expectancy, regardless of age, and the questions now coming to everyone's mind are these: Is this the further development in South Australia of patterns which have progressed so disastrously overseas, and is this an indication that the real horror of drug dependency is now coming to South Australia? It has seemed that overseas a crisis point has had to be reached before crisis measures are taken to combat drug abuse. That crisis point could now well have been reached in South Australia.

The Hon. PETER DUNCAN: For the benefit of the Leader, I point out that the answering of questions in this House depends on the Ministerial responsibility concerned rather than anything to do with competence, a subjective test in the Leader's eyes, anyway. I am the Minister in charge of the Coroner's office and it will be for the Coroner to look into this matter to find out what action should be taken and whether there should be an inquest held into any of these deaths. I imagine the Coroner will soon be looking at this matter. I point out that the Coroner must await the findings of the police investigations into these matters before he can satisfactorily conduct an inquest. He can, of course, on his own motion conduct an inquest, but it is usual that the Coroner awaits a report from the police, and I imagine that that is the situation in this case.

As to the Leader's comments that we may be following tendencies and trends that have occurred overseas and be in need of drastic measures, I refer him to the studies that have been undertaken in New York following the introduction of extremely Draconian legislation to deal with drug pedlars and pushers in that city. All the studies done as a result of that legislation have indicated that the principal effect that that legislation had was to corrupt even further the New York City police force. That is a particularly grave matter.

Dr. Tonkin: You are not suggesting that that would happen in Australia?

The SPEAKER: Order! The honourable Leader has asked his question.

The Hon. PETER DUNCAN: I am merely pointing out that Draconian legislation in New York has led to a situation in which organised criminals made even greater attempts to corrupt the police force. The effect has been that the legislation has had little or no effect on the use of drugs in that city. The only significant result from that legislation was that New York found itself with an even more corrupt police force that it had had previously.

Mr. GOLDSWORTHY: Does the Attorney-General believe that if penalties for drug abuse are increased the South Australian Police Force might become corruptible? We have had a remarkable reply from the Attorney-General implying that, if penalties for drug abuse in South Australia are increased, the South Australian Police Force is likely to be corrupted. If that was not the implication, obviously the answer was nonsensical. I ask the Attorney-General whether that is what he implied.

The Hon. PETER DUNCAN: The honourable member's twisted mind is, as usual, twisting the facts and the inferences that could reasonably be drawn from what I said, but I made no such allegation or assertion. As the Opposition well knows, our Police Force is known throughout Australia as being the most corruption-free force in Australia. All I was saying was that the result in New York of introducing Draconian penalties for drug-peddling and drug-pushing cases was that the New York Police Force became more corrupted. I was not reflecting on our force. As the Opposition well knows, it is held in high repute by members of our community. I was not referring to our force, but was making a report for the benefit of the House. The Opposition does not like comment based on fact; it would prefer to deal with innuendo, and that sort of thing.

A survey conducted in New York indicated that that had been the result, but I draw no conclusions from that survey which would apply to South Australia. I point out to the Opposition that, if the penalties applied became too Draconian, people would find ways and means around them. One does not look merely at the recent history of criminal sanctions to see this kind of thing. Members who are members of the legal profession well know the history of British common law under which penalties became so Draconian that ways were found around the application of those penalties through the use of the ecclesiastical courts. That is a wellknown fact, and it is the sort of thing that can happen when penalties become such that people generally believe them to be too severe. In making any steps in this direction, we must be careful what action we take.

MARDEN INTERSECTION

Mr. SLATER: Can the Minister of Transport say whether the Highways Department intends to proceed soon with the widening of the intersection of Payneham and Portrush Roads? The demolition of the buildings consisting of the Duke of Wellington Hotel has now been completed. I understand that the property was purchased by the Highways Department after prolonged negotiation for widening the intersection to facilitate the flow of traffic by means of a left-hand turn from Payneham Road into Portrush Road. As it appears that part of the work has been completed, I ask the Minister whether he can ascertain whether work will be commenced shortly on the necessary road widening and obtain the expected date of completion.

The Hon. G. T. VIRGO: I do not have the information, but I shall be pleased to obtain it and provide it to the honourable member.

PETROL

Mr. ABBOTT: Will the Minister of Labour and Industry inform the House of the present available supplies of petrol in South Australia? Some "No petrol" signs are already being displayed in metropolitan service stations, and I am interested to know whether the petrol position is critical or otherwise.

The Hon. J. D. WRIGHT: The answer to the last part of the question is that the situation is not critical. My department has been monitoring the position daily since the dispute involving the Amalgamated Metal Workers Union and the Storemen and Packers Union commenced and, as late as last evening, we received figures which indicated that there was a supply of petrol in the State for between 10 and 15 days, although some companies are in not quite as good a position as are others. Generally speaking, the State is not in a critical position at present. The important matter I can report to the House is that a conference is taking place in Sydney today, under Mr. Justice Robinson, whom I contacted at lunch time. Although he could not give us any information about what was happening at the conference, it was encouraging to hear that the conference would be extending into the afternoon. While there is dialogue between the parties, I hope that either today or tomorrow the dispute will end, and in those circumstances South Australia will not have any further problem in this regard. A tanker will be coming in next week to discharge, and another tanker will arrive to discharge in the following week. Provided that nothing goes wrong with the shipping lines (and I foresee no problem in that area), I see no real problem. However, I appeal to people not to start panic buying because that could put us in a difficult position. The situation is far from critical, although the Government is watching the position and monitoring it daily.

KINGSTON PARK DEVELOPMENT

Mr. MATHWIN: Does the Minister for the Environment support the Marino Progress Association's opposition to the proposed sea-front development in the Kingston Park and Marino area? If not, can he say whether the Government intends, through the Coast Protection Board, to finance the project through stages 1 and 2? If it does, can he state the estimated cost of the project?

The Hon. D. W. SIMMONS: My answer to the honourable member's question will no doubt be twisted by him to suit his own ends. There is no question of the Government's supporting any particular point of view regarding this project.

Mr. Chapman: What are you doing—sitting on the fence?

The Hon. D. W. SIMMONS: We are going through the proper procedures, which will ensure that all aspects of such a project will be properly examined, unlike the member for Hanson, who has dashed into print today with a most irresponsible statement in the *News* saying, that—

Mr. Becker: You might do something for a change.

The SPEAKER: Order!

The Hon. D. W. SIMMONS: The member for Hanson's opinion is diametrically opposed to that which the member for Glenelg, in a neighbouring district, obviously holds. The position is that, in 1974, the Coast Protection Board commissioned from Pak-Poy and Associates Proprietary Limited a report on metropolitan beaches. The report covered the coastline from Port Gawler down to Sellick Beach. The company made an invaluable report on the whole coastline for the benefit of the board. Indeed, copies of the report have been circulated to councils affected by it so that they could get some idea of what might be possible. One of the points made in the report was that there was a considerable need for boating facilities along the metropolitan coast, and it suggested that the most suitable area in the southern beaches was in the Marino area. Arising out of that, the board quite properly commissioned a more detailed feasibility study of a facility in that area. That study was released by me on September 22 this year. At the same time I released a press statement that I think summed up the position fairly. If the member for Glenelg would take the trouble to read it, he would understand why his statement was not only stupid but also quite dishonest. The press release stated:

The Minister for the Environment, Mr. Don Simmons, today released a report of a feasibility study on a proposal to construct a boating facility at Marino. The proposal envisages the replacing of an existing boat ramp and, possibly, at a later stage, the provision of a marina. Mr. Simmons stressed that the issuing of the study did not commit the State Government in any way. The Government wanted to consult the people, and were anxious for all who could be involved, should such a proposal go ahead, to register their opinions.

We are adopting an attitude vastly different from that adopted by the member for Hanson, who is quoted today as saying:

The Government must stop "mucking around" and go ahead with more boating facilities . . . It seems incredible that this is being held up while factions outside the Government haggle over environment issues.

That is the attitude of the member for Hanson on this matter. He does not want an inquiry or an investigation. He does not want the public in the area, especially the Marino Progress Association, to state its point of view. He is saying in effect that the Government should go ahead straight away, although the project will cost $520 000 in the first instance or more than $2 000 000 if the whole project went ahead. He is saying that we should go ahead, that we have enough expert advice, and that we know all the answers, so we can now ride roughshod over the opinions of the local residents as put forward by the Marino Progress Association. The honourable member gets a headline and his photograph in the paper, and that is all he is worried about. The Government cannot take that attitude. It is a responsible Government, and we will go through the procedure to ensure that this project is evaluated properly. My press release continued:

The Coast Protection Board, which had ordered the study from Pak-Poy and Associates, would receive submissions from individuals and organisations up to Friday, October 29.

I would make a farce of the whole procedure, if, at this stage, I supported either the Marino Progress Association or the boating organisations, which is obviously the only concern of the member for Hanson. We are allowing the people of the area and interested parties an opportunity to put a case to the Government, and that opportunity will end on Friday, October 29. We will then examine the submissions, and decide on further action. My press release also stated:

Mr. Simmons explained that the board had commissioned the study following its analysis of an earlier report by Pak-Poy and Associates on the metropolitan coast where the possibility of boating facilities at Marino had been canvassed. This was in consequence of an estimated threefold increase in the number of small boats in the next 15 years. It was not, of course, the first time that the Marino proposition had been discussed. The Minister reiterated that no decisions had been made in advance of the public exhibition stage. He added that if the proposals received sufficient support to justify further consideration, there would have to be an environmental impact study prepared for further public comment. This need had been noted by the authors of the feasibility study, and any environmental impact statement would automatically investigate the suitability of the Marino site and any practical alternatives.

Copies of the present study can be inspected at the offices of the Coast Protection Board, 50 Grenfell Street, Adelaide, and Brighton and Marion councils.

I went to much trouble before the press statement was released to ensure that copies were available in those areas. We are now awaiting public comments on the feasibility study to be received by the end of next week. We will then examine the comments, and decide whether it is worth proceeding any further with the project. If it is decided to proceed with the project further, then detailed studies will have to be undertaken. Amongst the submissions received was one from a person who has high qualifications in this regard. He stated:

A thorough and detailed study of winds, waves, tides, currents, mean sea-levels, and sediment movements would be essential for the successful undertaking of the sort of works proposed. Some of these studies may form part of an environmental impact study, but most of it is essential to decide the feasibility of such a project to provide data for design criteria. Insufficient work in this area may well lead to serious problems such as are now evident at the entrance to the Patawalonga boat haven.

The member for Hanson, surely to God, ought to know about these problems, and yet he is rushing—

Dr. TONKIN: On a point of order: it is obvious that the Minister is being propitious in his answer to the question, and is debating the subject in detail. I ask him to consider the rights of other private members in this Chamber.

The SPEAKER: I ask the Minister to make his reply to the member for Glenelg as brief as he possibly can.

The Hon. D. W. SIMMONS: It takes plenty of work to clear up the confusion between two members of the Opposition who are putting forward diametrically opposed views, neither of whom are considering what is the proper procedure to be taken in this matter. As I was saying, it is necessary, before any decision is made, to undertake a detailed study of the movement of tides, winds etc. in this area. As a result, an environmental impact statement would be provided that would give the public the opportunity to assess the whole proposition when it had been properly considered. Two points have to be considered: first, the environmental impact and, secondly, the technical details associated with the project. In both cases it is impossible at present for anyone in this House to make a judgment one way or the other.

LITTER CONTROL

Mr. LANGLEY: Can the Minister of Local Government say what has been the success or otherwise of the legislation passed recently to control litter? Certain sections of the legislation were proclaimed on September 1, and much publicity was given to that proclamation. Since then it has become evident that people are adhering to most of the provisions of the Act, but in other ways they are not doing so.

The Hon. G. T. VIRGO: I would like to refer this matter to the Local Government Office to get a consensus from councils as they see the situation. I think the litter legislation has been accepted readily by the general public who have co-operated to the fullest extent. It is noticeable in the city area that the pavements are much cleaner than they used to be. I believe the legislation has been effective, and the public has co-operated to the fullest extent, but I will obtain a detailed report from the department.

FAUNA

Mr. BOUNDY: Can the Minister for the Environment state the policy of the Government and of his department regarding the transfer of fauna from one national park to another? The number of kangaroos present in the Warrenben Conservation Park and other national and conservation parks in my area, particularly south-west of Warooka, has increased greatly. Allegations have been made locally that kangaroos are being brought into the district by the department from other areas. These allegations persist. Would the Minister explain the situation and say whether he is prepared to conduct a survey of the area to determine whether it is necessary to issue to landholders further permits, in order to reduce the number of kangaroos?

The Hon. D. W. SIMMONS: If the landowners in the area believe that they have a case for the destruction of kangaroos the matter will be investigated. The honourable member has asked whether the department transfers fauna between one area and another. This has happened in some cases. For instance, some months ago possums were taken to the North-West Aboriginal Reserve because there were none in the area. The Aborigines in charge of the area thought it would be desirable for some of the young people to see animals that feature in their mythology. That was done. In another case this year, some Major Mitchell cockatoos which had been seized when breaches of the Act had been detected were released in the area now covered by the Danggali Conservation Park. That is an area covered by Hyperna, Canopus, Postmark, and one other station. In addition, it is possible that some of the birds being trapped in the localised area of the South-East, long-bill Corellas, which are causing severe damage to the barley crops of a farmer, will be released in a conservation park where they are not likely to do much damage. This is one of the threatened species, and we are reluctant to see these birds destroyed. I have made inquiries on this matter, because the honourable member raised with me some weeks ago the fears being expressed in his district. I am assured that in no cases have kangaroos been moved from one park to another, nor have there been any cases of kangaroos having been released in Warrenben Conservation Park. I am assured by Opposition members generally that there is no need to release kangaroos in any of our conservation parks, because most are already reasonably well stocked. The short answer is that we do not release kangaroos, and certainly none has been released in Warrenben.

CAVAN BRIDGE

Mr. WHITTEN: Is the Minister of Transport able to give any information concerning delays that may occur in the provision of a bridge on the Port Wakefield Road at Cavan? Several of my constituents travel north to Salisbury and Elizabeth, and many workers travel to Port Adelaide. They find a problem with the bridge, with bottlenecks and delays occurring; consequently, workers are being deprived of their wages. That, of course, is only one aspect. Has the Minister any information?

The Hon. G. T. VIRGO: The Highways Department is proceeding with the design for the new bridge to be built west of the existing one. When that bridge is completed, it will carry both lanes of traffic and the present bridge will be closed and rebuilt, following which it will be reopened. At that time we will have four lanes of traffic each way. The delay has been and is being caused because we are not able to get information from Canberra—

Mr. Gunn: Oh!

The Hon. G. T. VIRGO: The member for Eyre loved to hear this before last December, but suddenly he has turned sour on it. In fact, we are not able to get advice from Canberra on the requirements. If the honourable member casts his mind back to Tuesday last, he will recall that I answered a question in relation to the investigation into the standard gauge project. I announced that Mr. Nixon had appointed Dr. Joy, together with two other unnamed persons, to review the agreement for the building of the standard gauge line. Until that is resolved, obviously the requirements and the area to be spanned by the bridge cannot be determined. Once again, I must say that we find ourselves in the hands of the masters of this country in Canberra, who, from 1 600 kilometres away, are preventing South Australia from doing what is required in the interests of South Australians.

Mr. Goldsworthy: Very capable hands they are, too.

The Hon. G. T. VIRGO: That's your story.

STURT RIVER

Mr. EVANS: Will the Minister of Works say whether, when the sewage treatment plant is built at Brick Kiln Road, Heathfield, the effluent discharged into the Sturt River will be harmful to human or river life? It is well known that there is a plan to build a sewage treatment works, and that land has been acquired. I asked a similar question about two years ago and the Minister replied at that time to the effect that it would not be harmful, and that in fact the nutrients in the water would be of benefit to the fish, which would grow faster and fatter, or words to that effect. I have shown the reply to some environmentalists, who doubt that. They are concerned that, if the effluent from Bolivar is not suitable for irrigation of vegetables for human consumption, the department should have a better method of treating the effluent that will come down the Sturt Creek, so that there is no risk of its being harmful to river or human life. Some people irrigate from the stream, which flows through the metropolitan area into the Patawalonga Basin, and some reaction may result there if it is harmful. Environmentalists in the Hills believe that it is not accurate to say that the water will not be at risk when the effluent is discharged. Can the Minister give me any reassurance?

The Hon. J. D. CORCORAN: The situation has not changed from that existing two years ago. The statement I made then stands today; it is based on the best possible advice available to me. Whilst environmentalists can say one thing, no doubt other people can say other things. In his explanation, the honourable member said that Bolivar effluent was not suitable for irrigation.

Mr. Evans: For vegetables.

The Hon. J. D. CORCORAN: That is not true. If he reads the report, the honourable member will see that the problem with the effluent is salinity more than anything else

and that, apart from certain salad vegetables, it is suitable for the growing of vegetables. I do not think the honourable member deliberately would try to cause a fuss about this, but I repeat that the best advice available to me is that it is not the case, and that the dangers the honourable member has mentioned will not be present. I will have the matter checked again in the light of what has been said and bring down a further report, if necessary.

DRIVING TESTS

Mr. MAX BROWN: Can the Minister of Transport say whether a final decision will be made to allow officers from the Motor Registration Division of the Transport Department to conduct driving tests and issue driving licences? The Minister would be well aware that, for some time, the Police Department has had to shoulder a fairly considerable work load in this regard and has intimated for some time that the practice is holding up the other work of several officers. Obviously any step to ease the hold-up would be a step in the right direction.

The Hon. G. T. VIRGO: It is Government policy to phase out police testing and phase in civilian testing. We are now actively engaged in pursuing that policy. Initially the procedure will operate from branches of the Motor Registration Division in the metropolitan area. I understand that next Wednesday the member for Mawson (the Hon. D. J. Hopgood) will have the distinction of being the member representing the district where the first civilian testing will occur. I hope that the member for Mawson will be present and will see one of his constituents be the first person in South Australia to be civilian tested.

MINDA HOME INQUIRY

Mr. MILLHOUSE: Can the Premier say whether the board of Minda Home was consulted or, indeed, even informed that the Government intended to conduct an inquiry into the affairs of the home and, if it was, what was the board's response? It has been reported in the past few days that Minda Home staff have got up a petition complaining about the administration of the home. To my surprise, within I should think 24 hours, the Government announced that there was to be an inquiry. The members of the board of Minda Home as I remember their names (and I do not remember them all) make up a fairly strong board. The board consists of such people as Mr. Barry Ahern (the State Coroner), Mr. Dunsford (who was Director of Lands), Mr. Ken McCarthy (a barrister and solicitor), Mr. Peter Stratford (who is technically still Public Actuary), and most important of all, Dr. Bill Dibden (who I understand is the Government representative on the board). There are other members on the board; I have not referred to them all. I have referred to these members to show that the board consists of a strong group of people. The Government apparently (and this is my suspicion) chose to ignore the board, receive a petition from members of the staff and appoint immediately an inquiry, by whom we do not know and on what terms of reference we do not know. That is strange conduct indeed. I remind the Premier, as I reminded the Attorney-General the other day that, in cross-examination, one does not ask a question unless one is fairly certain of the reply.

The Hon. D. A. DUNSTAN: I believe that the honourable member has been misled by the form of the report in the *Advertiser*. I do not assign any particular blame to the *Advertiser* reporter concerned, but I believe that he has quite misunderstood what I said about this matter. I was asked what the Government was doing about a petition that it had received from workers at Minda Home. I said that inquiries would be made and that I had referred the matter to the Chief Secretary's office so that necessary inquiries could be made before the Government was given advice about whether further action should be taken on the petition. That does not mean that the Government has established an inquiry—it has not. The matter has simply been sent to the Chief Secretary's office so that officers can examine the petition, speak to the responsible authorities, and advise the Government.

Mr. Millhouse: Have you let the board know this?

The Hon. D. A. DUNSTAN: I have not written to the board; the matter is in the hands of the Chief Secretary's office. I am sure that officers from that office will be in touch with the board. I have received an inquiry from the Secretary of the Miscellaneous Workers Union about the report in the paper, and I gave him exactly the same reply that I have given to the honourable member.

BONDED STUDENTS

Mr. BECKER: Will the Minister of Education review Government policy regarding the requirements placed on bonded students undergoing teacher training who will be seeking employment next year? I understand that there could be a surplus of qualified teachers graduating this year and that they are particularly worried about their employment opportunities. This is particularly relevant regarding bonded students. I understand that if a bonded student completes his teacher training and applies to teach at an independent school he must repay his bond to the Government. I also understand that some independent schools are used for the practical training of trainee teachers, that the independent schools are now recruiting teachers for the next year, and that they are experiencing difficulty in attracting them. The independent schools have ascertained that some trainee teachers are a little scared about their prospects. I therefore ask the Government to reconsider its policy on this matter. I understand that, if a teacher is trained at Government expense and teaches at an independent school, he is at least training as a teacher and is not lost to the education system, whereas if a teacher cannot be employed in either a Government or independent school he is lost to the system. If independent schools employ them they will at least remain in the education system and benefit the community.

The Hon. D. J. HOPGOOD: From time to time I have had discussions, especially with the Catholic Education Office, about the proposition that I assume the honourable member is putting forward that bonded teachers could teach for some time in the independent system but still be under bond to the Education Department. That practice could be achieved in various ways. In fact, machinery exists now for it to happen and the person concerned would be regarded as being on leave from the Education Department for a period. Under present policy that person would still be required to come back later to the department to work out his bond. If the honourable member is suggesting that that final stage is not necessary and that the bond should simply be worked out in the private system, and left at that, I would need to consider the matter further. Members are probably aware that I advanced a proposition at the recent Australian Education Council meeting about there being greater exchange between

the States and allowing a person to work off a bond in another State and, indeed, in another system in another State. Unfortunately, I did not receive much co-operation from the other States. I am not trying to make a political point; Tasmania is perhaps the most nervous in this respect because of its traditional brain-drain. Regarding the over-supply of bonded people, apart from unbonded scholars who make up the bulk of teacher trainees, I would not expect a great problem. The number of bonded people taken on from year to year is a direct response to our requirements in specialist areas. Whereas it is expected year to year that 800 to 1 200 people would go into the first-year course at colleges as unbonded scholars, the number of graduates being taken on as bonded scholars from year to year is very much a moving feast. It is within the bounds of present policy not to offer any bonded scholarships next year, if the demand does not exist. We have found this to be a valuable means of obtaining people with qualifications in specialist areas. I believe that we have sufficient flexibility to cover all but the point raised by the honourable member. I will consider the matter and give the honourable member a proper reply soon.

TERTIARY ASSISTANCE

Mr. KENEALLY: Can the Minister of Education say whether he has any formal confirmation of the rather disturbing information he gave the House yesterday about unbonded scholarships as affected by the recent changes to the Tertiary Education Assistance Scholarship? The House is aware that in answer to a question asked by the member for Florey yesterday the Minister explained that he had received information by telephone from Senator Carrick (the Minister for Education in the Australian Parliament) and that his advice was that formal confirmation of that information would be forwarded by letter. Has that information arrived yet?

The Hon. D. J. HOPGOOD: I do not know whether the honourable member and the member for Hanson are in cahoots, but his question seems to follow fairly logically. I have received from Senator Carrick a brief letter setting out the situation. The House would be aware that I telexed Senator Carrick following an announcement in the Australian Parliament about the new TEAS awards because of certain ambiguities in the States as it applied to our unbonded scholars. In a letter dated October 19, Senator Carrick states:

I am writing in response to your telex message of October 13 in which you sought clarification of the new condition to apply under the Tertiary Education Assistance Scheme to incomes from other awards. In 1977, students eligible for assistance will be allowed income from another award up to $150 compared with $600 this year. If the value of the other award exceeds $150, the student's TEAS entitlement will be reduced by $1 for every $1 the other award exceeds $150. The new condition will of course apply to your unbonded scholarship holders and as you indicate will result in 1977 in a reduction of $450 compared with the position in 1976. However, it should be noted that the levels of TEAS allowances have been substantially increased for 1977. In the case of independent students the living allowance will be $43 per week, an increase of 40 per cent, and as well if an independent student has a dependent spouse he will receive an additional $29 per week.

I understand some rather unusual nuptials will be celebrated in the Eastern States shortly that are probably a response to that decision. The letter continues:

The decision to reduce the amount a student may receive from another award to $150 is consistent with the recommendation of the Williams committee which reviewed TEAS. The committee chaired by Dr. H. S. Williams, Director of the Western Australian Institute of Technology, was appointed by the previous Government. The report which was tabled in Parliament in May, 1975, was not acted on by the Labor Government. The report pointed to a need to eliminate a number of anomalies and to other modifications to improve the scheme. My recent announcement on changes to be made in TEAS for 1977 includes a number of changes recommended by the Williams committee including the reduction in the amount allowed from another award.

That is the Commonwealth justification for the moves that have occurred. I think it avails not of the Commonwealth that it should mention that the inquiry was initiated by the previous Labor Government. As Senator Carrick says, the Government did not act on this recommendation that the amount that a student could obtain from another award should be reduced to $150. Whatever the bright side might be that the Senator wants to put on this whole matter, I think our unbonded scholars may well want to echo the immortal words of Billy Russell, "They promises you the world, gives you nothing, and takes it away from you before you get it."

GOVERNMENT HOUSE GROUNDS

Mr. DEAN BROWN: Will the Premier confirm that he offered a portion of the grounds of Government House to the University of Adelaide for the purpose of building a music hall? In addition, will the Premier indicate any other plans, presently undisclosed, to use the grounds of Government House for any other purpose? A report in the *Advertiser* last Saturday indicated that the Premier had offered to the university portion of the grounds, I think on the northern side, for the purpose of building a music hall for the university. I was shocked to hear of this offer made by the Premier to the university.

The Hon. D. J. Hopgood: Don't you stir!

Mr. DEAN BROWN: I have not stirred at all.

The SPEAKER: Order!

Mr. DEAN BROWN: I am quite willing now to stir to make sure those grounds are protected, if that is what the Minister wants, because I believe that was a gross indiscretion—

The SPEAKER: Order! The honourable member is now debating the matter; he must only give reasons to explain his question.

Mr. DEAN BROWN: I am giving reasons. Yesterday a report in the *News* indicates that the National Trust strongly opposes moves to put a hall on that site, condemning the decision of the Premier. I understand that various people who are concerned with the planning of Adelaide and the protection of our historic buildings in the city and grounds around those buildings are strongly opposed to this site being used for a music hall. I ask the question to find out what other undisclosed plans the Premier has. I understand the City of Adelaide Development Plan invites discussion on the use of those grounds. I think there was also suggestion of an underground car park in the grounds of Government House. I ask this question so that the Premier can at least initiate public discussion, having I believe already committed the gross indiscretion of offering those grounds.

The Hon. D. A. DUNSTAN: The honourable member's pejorative terms never cease to amuse me. There is no proposal for a music hall in the grounds of Government House, or anywhere else that I know of. The honourable member's performance is suitable to a music hall, but the Government has not been involved in such a thing. The position is that there was an appeal by the university on

the occasion of its centenary for a new music school, and a part of the buildings for the music school would be a concert hall to take the place of Elder Hall. The Government insisted, on the grounds of ensuring that the environment be protected, that Elder Hall be not demolished. Then the proposal of the university, following on the North Terrace Land Use Committee's proposals, was to put a concert hall on a site in Kintore Avenue, following the demolition of the old chemistry building, which was originally the lying-in hospital. On that site there were two old buildings which the Government again insisted should not be demolished, namely, the old school room and the old chapel. They had to be preserved for historic and environmental reasons.

The university then informed us that, in order to put its proposed concert hall on that side, it would be necessary to take buildings presently occupied by the Further Education Department. On examination, it was shown that to replace those buildings, as would be required if they were demolished for university purposes, would cost the Government in excess of $3 000 000. Since they are buildings that are sound and solid with a considerable life still in them, the Government was not willing to accede to the request that those buildings be demolished, and that the requisite area for the proposals of the university, which included a car park for the concert hall, should be considered there. As a result of that situation I was approached by Professor Badger as to how we could cope with the requirements of the university for the building for its centenary, particularly as money had been subscribed, and building costs were escalating. The consequence was that considerable harm to the university could occur unless the building project were to take place shortly.

It is the proposal of the university, if eventually the Adelaide College of Advanced Education moves from its present site. That, of course, is a matter that will be examined by the Committee on Post-Secondary Education. If that were to occur, the Music School would move into the main building of the present teachers college, which is immediately opposite the rear portion of Government House grounds. A vacant piece of land at the back of Government House grounds is not required for the protection or curtilage of Government House, and is completely unused at present. It is not used for car parking, walking, or anything else. A weed and grass-grown area is mown from time to time, otherwise it is simply not used.

Mr. Dean Brown: You'd destroy the entire site, would you?

The SPEAKER: Order! The honourable member has asked his question. If he interjects again, I shall take action.

The Hon. D. A. DUNSTAN: There would be no destruction of the Government House site. This Government has been especially careful in protecting the sites of historic buildings in Adelaide. When we came to office, the Hall Government had a plan to put the Chest Clinic on the grounds of Ayers House: the clinic would have occupied almost the whole of the area and would have ruined it. I insisted on stopping it, because I do not believe that sites of this kind should be subject to vandalism of that kind.

Mr. Coumbe: You wanted to build the festival hall at the back of Parliament House.

The Hon. D. A. DUNSTAN: Not at the back of Parliament House. Originally, Mr. DeGaetani recommended the site to which I am now referring, which is a small area at the back of Government House and which is not close to the house itself. It is not used for the normal functions of part of the grounds of Government House. He said that it should be combined with part of the Government domain area at the back of Government House, as the original site for the festival hall, but the Hall Government decided not to proceed with that site.

Mr. Coumbe: Did you agree with it?

The Hon. D. A. DUNSTAN: I agreed that it was a good decision. However, it cost us much more, but I think that, nevertheless, the decision was justified. There is no intention of destroying Government House or its grounds.

Mr. Dean Brown: That's exactly what you're doing.

The Hon. D. A. DUNSTAN: The honourable member is trying to whip up a complete lot of nonsense in this matter. There would in no way be a destruction of Government House or its grounds by this proposal.

Mr. Dean Brown: That's what you—

The SPEAKER: Order! I have warned the honourable member for Davenport for the last time. The honourable member interjects more after he has asked his question than does any other member. The next time, I assure the honourable member that I shall take immediate action. The honourable Premier.

The Hon. D. A. DUNSTAN: I have heard it suggested that, somehow or other, this is an interference with an idea that historic park lands should be returned to the people, but this area was never historic park land. The area to the north of North Terrace was always Government domain and was specified as such in the original plan. There was never any question of this area being park land, and we are not depriving anyone of park land by a proposal of this kind. If a proposal were to proceed, the matter would be dealt with by legislation in the House, and necessarily referred to a Select Committee. What I did in this matter was to suggest that the University Council might examine the possibility of whether there would be sufficient area just there without interfering with Government House or the use of its grounds.

If there were, a site such as that immediately opposite what might well become the Music School would be a suitable site. The Government had insisted, in subscribing money for a concert hall, that it be placed where the public had ready access to it and where it could be seen by the public: that is, we could not have the concert hall buried in the middle of the university grounds, such as the Scott Theatre is, and made inaccessible, in effect, to the general public. My motive was entirely to be helpful to the University Council, and members of the council found me so. I know that the honourable member's motives are those of quite a different nature, and that has been made evident from the extravagant remarks he has made in the House this afternoon.

At 4.5 p.m., the bells having rung:

The SPEAKER: Order! The extended time for Question Time having expired, call on the business of the day.

LAND TAX ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its suggested amendment to which the House of Assembly had disagreed.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

CITY OF ADELAIDE DEVELOPMENT CONTROL BILL

The Hon. HUGH HUDSON (Minister for Planning) obtained leave and introduced a Bill for an Act to provide for the imposition of development control within the city of Adelaide in accordance with certain principles and for other purposes. Read a first time.

The Hon. HUGH HUDSON: 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 is intended to provide for the imposition of development control within the city of Adelaide in accordance with certain principles that this House is invited to approve. Members will be aware that for some time there has been in existence a draft City of Adelaide Plan and this draft has been widely disseminated and has also been open to scrutiny and comment by interested members of the public. The draft plan covered a wide range of actions of all levels of Government, Federal, State and local, not all of which were related to development control. Accordingly, those proposals in the draft plan that relate to or touch on development control *simpliciter* have been extracted and are now placed before you for your approval. The means by which these principles will be implemented will become clear from an examination of the clauses of the Bill.

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the measure. Clause 5 provides that the Crown is not to be bound by the measure. I would point out that it is the intention of the Government that, as a matter of policy, it will endeavour in its development activities to conform to the plan and in appropriate cases arrangements will be made for the commission (as to which see clause 11) to examine Government development proposals. Clause 6 ensures that the land within the municipality of the city of Adelaide will no longer be subject to planning controls under the Planning and Development Act but at subclause (2) will permit the controls exercisable under this Act to be depicted on authorised development plans under that Act. Clause 7 at subclause (1) formally approves the principles and at subclause (2) provides for their amendment. Clauses 8 and 9 which are self-explanatory spell out the machinery whereby representations made to the council on any proposed amendments to the principles may be considered by the commission.

Clause 10 provides for the making by the Governor of amendments to the principles. Clause 11 sets up the City of Adelaide Planning Commission constituted of seven persons appointed by the Governor of whom three are to be appointed on the nomination of the council. The composition of the commission is intended to reflect the interests of bodies concerned in the development of the city. Clause 12 provides for the remuneration of the members of the commission. Clause 13 provides for the conduct of business by the commission. Clause 14 is a validating provision in the usual form. Clause 15 provides for the appointment of staff for the commission and also empowers the commission to make use of State Government and council officers with the consent of the Government or the council. Clause 16 is a general statement of the powers and functions of the commission and clause 17 provides an appropriate power of delegation to the commission.

Clause 18 empowers the commission to consider and report on any matter relating to the planning and development of the city referred to it by the Minister or the council. Clause 19 is a clause of considerable importance and the attention of members is particularly drawn to it. It is intended to ensure that where an application to the council involves a substantial Government interest it will be considered by the commission in lieu of council, since in these circumstances an authority representing a wider range of interests appears a more appropriate body to determine the matter. Clause 20 vests in the commission a power to consider applications by the council in its capacity as a developer. Clause 21 provides for the fixing of an appointed day as the day on which the development control provisions of this Act shall come into operation.

Clause 22 exempts from the operation of the development control provisions developments that have previously been approved by the council or the City of Adelaide Development Committee. Clause 23 provides for approval of development applications and sets out in some detail the sanctions that are available to deal with unauthorised developments. It is commended to members' particular attention. Clause 24 sets out the machinery for approving applications. Clause 25 enables the council, with the consent of the commission, to approve an application which is not in conformity with the relevant regulation but nevertheless does not conflict with the principles. Clause 26 provides a power of delegation for the council and should enable approval to be given expeditiously to applications of lesser significance. Clause 27 provides for an appeal to the Minister by any applicant aggrieved by a decision of the council or the commission on an application for approval of a development.

Clause 28 is intended to ensure that, before the Minister considers the appeal, a conference of the parties or their representatives will have been held. It is hoped that this procedure will ensure that appropriate steps to resolve the matter have been taken before appeal proceedings are commenced. Clause 29 is formal. Clauses 30, 31, 32 and 33 are intended to ensure that the Minister will have as much information before him as is possible before he determines the appeal. Clause 34 sets out the powers of the Minister in determining the appeal. Clause 35 renders the decision of the Minister on the appeal final. Clause 36 provides a power of entry and inspection by persons authorised by the council or the commission. Clause 37 provides for "default penalties" and is in the usual form.

Clause 38 is intended to ensure that lawfully existing uses of land in the municipality may continue. Clause 39 is at subsection (1) formal and at subsection (2) provides that proceedings be brought within one year of the day on which the offence is alleged to have been committed. Normally the "limitation period" in summary prosecutions is six months. The reason for this extension to 12 months is that breaches of this measure are often difficult to

detect and may not come to the notice of the authorities for some time. Clause 40 sets out an appropriate regulation-making power. Clause 41, together with the schedule to the measure, makes a consequential amendment to the Planning and Development Act which, in effect, ensures that the City of Adelaide Development Committee established under that Act will continue in existence until the appointed day fixed under clause 21 and that the State Planning Authority will still be able to act as a redevelopment authority in relation to the city of Adelaide. Clause 42 merely ensures that pending proceedings under the Planning and Development Act can be continued and completed under that Act.

Mr. ARNOLD secured the adjournment of the debate.

RACIAL DISCRIMINATION BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to prohibit discrimination on the ground of race; to repeal the Prohibition of Discrimination Act, 1966-1975; and for other purposes. Read a first time.

The Hon. PETER DUNCAN: 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

Of all forms of discrimination between persons, perhaps racial discrimination is the most obnoxious. No just or fair society can be established upon the proposition that any group of people within that society is inherently superior or inferior to others merely by virtue of genetic factors over which they have no control. No responsible Government can afford to allow the practice of racial discrimination to develop within the society for which it is responsible. Recent events in South Africa furnish an ominous warning of the appalling consequences that ensue where racial discrimination is actively encouraged or countenanced. The suppression of legitimate human aspirations to freedom from oppression, equality of opportunity, and the right to self-expression—aspirations that are frustrated and suppressed where racial discrimination exists—inevitably places intolerable stresses on society, stresses that may well erupt in violence and bloodshed.

The present Bill repeals the existing Prohibition of Discrimination Act, 1966-1975. That Act, while it has had a valuable effect in numbers of individual cases, is deficient in several important respects. Moreover, the recent enactment of the Sex Discrimination Act argues for the enactment of a new Act that follows rather more closely the form of that Act. The present Bill is much more comprehensive than existing legislation. For example, the definition of "race" is expanded to include the racial ancestry and racial characteristics of a person, or of persons with whom he resides or associates.

The Bill provides that a person discriminates against another on the ground of his race where his decision to discriminate is motivated by several factors, one of which is the race of the person discriminated against, or an actual or imputed racial characteristic of that person. By contrast, the present Act requires the prosecution to establish that race is the sole basis of discrimination, an almost impossible task. The Bill prohibits discrimination in the field of employment and in relation to the supply of goods or services, accommodation, and access to licensed premises, places of public entertainment, shops, and other places to which the public ordinarily has access. The Bill contains a provision enabling the Governor to grant exemptions from the provisions of the new Act. This power may, of course, need to be exercised, for example, where children's homes have been established for particular ethnic groups.

An important provision of the Bill provides that where in proceedings for an offence against the new Act the court is satisfied on the balance of probabilities that an offence has been committed, the onus then shifts to the defendant to satisfy the court to the contrary. While this provision is rather novel in the field of criminal liability, the Government believes that it is justified because of the extreme difficulty of establishing the basis upon which a particular act of discrimination has occurred.

Clause 1 is formal. Clause 2 repeals the existing Prohibition of Discrimination Act. Clause 3 contains definitions necessary for the purposes of the new Act. Clause 4 provides that the new Act will bind the Crown. Clause 5 elaborates upon the meaning of discrimination. A person discriminates against another on the ground of his race where he does so on that basis, or on the basis of an actual or imputed racial characteristic of that person. Racial discrimination occurs where the decision to discriminte is motivated or influenced by a number of factors, one of which is the race of the person discriminated against, or an actual or imputed racial characteristic of that person.

Clause 6 prohibits an employer from discriminating against an existing or prospective employee on the ground of his race. An employer must offer his employees equal opportunities for promotion notwithstanding difference in race. Clause 7 prevents a person who offers goods or services to the public from discriminating against prospective customers on the ground of race. Clause 8 prevents a person from refusing access to a public place or imposing special conditions upon access to a particular place on the basis of the race of a person who is seeking such access.

Clause 9 prevents discrimination in relation to the supply of accommodation. Clause 10 enables the Governor to grant appropriate exemptions from the provisions of the new Act. Clause 11 provides that where the commission of an offence has been established on the balance of probabilities, the onus shifts to the defendant to establish that he is not guilty of the offence. Clause 12 deals with procedures for the hearing and determination of complaints of offences against the new Act.

Mr. WARDLE secured the adjournment of the debate.

DEFECTIVE PREMISES BILL

Adjourned debate on second reading.

(Continued from August 5. Page 462.)

Mr. BOUNDY (Goyder): As the Minister has said in his second reading explanation, the Bill is designed to fill a gap in the present law relating to contracts for the construction and sale of new houses. At present, some measure of protection is available to the person who engages a builder to construct a new house. Warranties are implied in such contracts as to the quality of workmanship and materials, and persons wishing to build are protected by the provisions of the common law.

The purchaser of a new house commissioned by another person is in a much weaker and much more vulnerable

position. The vendor is under no general obligation to disclose any latent defects in the premises. He certainly has a moral obligation to reveal defects. However, he need not do so, so the buyer must beware. In addition, an unscrupulous speculative builder can make the position of a purchaser untenable. The speculative builder at present can become the first owner and later sell to the first occupier, who is not necessarily protected by common law warranties as to defects.

The Bill provides statutory warranties to bind builders to good workmanship and the use of quality materials, and it can be said that perhaps the need for this Bill is an admission by the Government that the operations of the Builders Licensing Act and the Builders Licensing Board are not effective. It may be that provision for this kind of additional cover could have been met by only minor alterations to the powers of the Builders Licensing Board. However, the Government has not chosen to take this action, but it has decided to introduce a completely new Bill to provide the protection it seeks to give.

This Government has often been charged by members on this side with having legislative diarrhoea, a desire to introduce a Bill for every conceivable thing. This measure further transfers the rights of the original owner as to warranty to subsequent owners for five years. This provision is the only substantive clause, and the principles that I have so far referred to should be supported. All honourable members are aware of cases where the house-owner has had difficulty in obtaining adequate redress from a builder. Indeed, the Housing Trust, as a builder within the definition in the Bill, has not been blameless, and now the trust, as well as private builders, will be bound.

All members on this side have been approached by constituents for assistance and protection against builders for defective workmanship, defective advice, and so on, and it is good to see these matters provided for. The Bill has been in the pipeline for a long time. As far back as January, 1975, the former Attorney-General (now Mr. Justice King) asked the various sections of industry for comments. Subsequently, the Bill has been introduced and my Party has sought comment from the various sections of the industry.

Some people are concerned that the passage of this Bill into law will considerably increase the cost of a new house and, instead of protecting the house-owner, will add to his costs, because engineers and architects will be tempted to go to ridiculous lengths to make footings and other structures more than adequate to avoid actions against them. I believe that the responsible engineer, architect or builder has always provided adequately for such matters and therefore has no need to fear the measure or increase the cost. Only the unscrupulous will improve their gain in this regard.

The Bill provides that the plaintiff must take action in the first instance against the builder, who in this case is the defendant. As a result of such claim against him, the builder, under the Bill, can join as parties to the proceedings professional advisers on whom he has relied. My Party believes that not only should advisers be joined as parties to the proceedings but also any subcontractor or anyone else who has taken part in building the house should be joined. Accordingly, an amendment will be moved in Committee to extend the relevant clause to cover this point.

I am sure all honourable members agree that, in the construction of a new house, everyone who has had a part in the building of the house should be party to any claim made and that the builder, who is the first to be the subject of a claim, should have the right to involve everyone who could be liable through poor advice, poor materials, or poor workmanship. I believe that the consumer would be protected by that provision. It is understood that, whether advisers or subcontractors, they are liable to the extent only of their involvement. The onus is on the plaintiff to prove the defect in the workmanship or material and, whilst my Party has concern for the consumer, it is also concerned that the builder has some protection against irresponsible claims.

We believe that it is incumbent on the plaintiff to give notice in writing to the builder of his claim and give him access to the premises. Five years is a long time in which to prove latent defects. Whilst they can become evident during all that time, it must be conceded that the protection regarding warranty to subsequent owners may mean that structural change has taken place. I am sure all honourable members would understand that this provision protecting subsequent owners for five years has all sorts of possibilities. There could be many owners of the house in that time. The owner making the claim may not know that the first owner had knocked a wall out to make two rooms into one, or a neighbour may have dug a swimming pool, or the Highways Department may have done some blasting nearby which had an effect on that house. It is certainly a fact that the builder needs right of access to check on any unscrupulous claims made against him. It is admitted that under the limitation of actions under common law the term is six years during which a claim may be made for latent defects, and this measure reduces by one year the period during which a claim can be made by an owner.

A builder must be granted a right of access and right of inspection, and an amendment has been framed to provide for this. The amendment will be promoted during the Committee stage. The principle behind this Bill protects the consumer, the house-owner and his successors from the unscrupulous builder for five years. I support the Bill to the second reading stage, when amendments will be moved.

Mr. MILLHOUSE (Mitcham): I have listened with some attention to the member for Goyder to try to get the drift of his speech. He is not opposing the second reading, but I know he has amendments on file. If I may say so with respect to my old friend and a former colleague, the member for Goyder is being pusillanimous about this Bill. I oppose this Bill, and I intend to show why, whatever the Liberal Party may do. I have not had much time (I am the only one to blame for this) to examine closely the Bill, but I have considered it enough to conclude that I do not like it. It will undoubtedly (and I think the member for Goyder said this) increase substantially the cost of housing in South Australia, again. We have had many measures that have increased the cost of houses, and while we can, as the Government does, glory in what is called "consumer protection", that is all very well in theory, but the most important thing we can do, and one of our most important considerations at all times is to keep costs down.

One has to strike a balance of course, but I think that this Bill goes on the wrong side of the balance. I am told that, if this Bill passes in its present form, it will add to the cost of the average house, it is estimated, about $1 000. I do not believe that this is a price we can afford to pay. Of course it is, in its terms, as is so much legislation from the Labor Government, a lawyer's Bill. Professionally, I will be pleased if it passes, because it will be sure to make for litigation and I have a modest

hope of getting a bit of it. However, we do not want legislation that clutters up the courts with actions. We would be better off without a Bill of this kind. The form of the Bill is to import into every written contract several statutory warranties, and a warranty is recognised in the law of contract as being something which entitles, for breach of it, the person who has suffered to claim damages, but not to rescind the contract. That is a condition as opposed to a warranty.

It is a fine distinction and I always have difficulty in working out that distinction, but the theory of it is that a warranty does not go to the root of the contract whereas a condition does. We are importing into several contracts, under certain conditions, warranties which are far reaching, it seems to me, a warranty that the building work involved and the construction of the house has been carried out in a proper and workman-like manner, that proper materials have been used, and that the house will, on the day on which the purchaser is to receive vacant possession in pursuance of the contract, be reasonably fit for human habitation. I do not know how you can have much faith in that last one, but then we have the five-year term. That is an onerous provision to put on the builder or the first seller of the house, and then we have the other onerous provisions.

I think the Liberals are complaining about them, because of the amendments. There is also the question of joining a person who may have given advice, but I do not intend to go into all those things. I do not believe a need has been made out for this Bill by the Minister in his second reading explanation. I do not believe the Bill is a proper one. I believe it will, because of its terms, increase substantially the cost of building houses in this State at a time when we want to keep costs down, and I do not believe it will improve significantly the standard of housing in this State. I therefore oppose the second reading.

Mr. EVANS (Fisher): I appreciate the words uttered by the member for Mitcham because he was expressing my interpretation of the Bill. After discussing the matter with the member for Goyder, it was decided that, if it were to be a consumer protection Bill, it should not be all on one side. We should amend it so that the consumer carries a responsibility to the builder, as does the builder to the consumer, whether he be the first or fifth owner of the house in the five-year period. The Attorney-General has been kind enough to say that he believes that we are interpreting the Bill wrongly. The member for Mitcham is also a legal eagle, so I hope that he will study this aspect of the Bill, so that we can decide what might be a legal interpretation. The Housing Industry Association is opposed violently to the Bill. A conflict arises when we rely on people who are experts.

The Housing Industry Association has received advice that the Bill will be damaging to the industry, it will not offer any real protection to the consumer, and it will increase the price of an average house by up to $1 000. If that is to be the effect of this legislation, that must be weighed against the benefit it is likely to bring. If that is to be the end result, if no amendment is accepted, I will vote against it in the second reading stage, unless someone in the meantime proves that argument to be wrong. From my knowledge of the industry after having been in it for 23 years, I believe that, if the Bill remains as it is, costs will be increased. I think we are looking at this Bill because the Builders Licensing Act is not working as it should. Surely, we brought in that legislation to guarantee the quality of work and the quality of the house when finished and occupied. If that is not being achieved, something is wrong with the Builders Licensing Act or the way in which it is being administered. One point I must raise now, so that the member for Mitcham can look at it and decide whether the Attorney's interpretation is right. The Master Builders Association agrees with the Attorney on this point. Clause 4 (1) (*c*) states:

> a warranty that, when the building work contemplated by the contract has been completed, the house will be reasonably fit for human habitation.

I am led to believe from the Attorney's interpretation and from the Master Builders Association interpretation that, if the owner takes possession of the house, if the contracted work has been completed, if the house is reasonably fit for human habitation, and if subsequently any defects appear, they are not challengeable by the owner or by any subsequent owner. It is only where a fault is obvious when the building is completed that the owner or a subsequent owner over a period of five years is able to challenge the builder. I cannot accept that. The member for Goyder has told me that this is what the Master Builders Association believes, and the Attorney-General says he believes that to be the case.

Mr. Millhouse: What about (*a*) and (*b*)?

Mr. EVANS: I agree, but the argument I have mentioned is one that has been put up. The Attorney has been kind enough to give his views. I should like to see the Bill amended, or I would prefer that the Builders Licensing Act should be amended and strengthened, if necessary. My experience is that, every time we attempt to bring in a control of the quality of work in the building industry, we increase the cost of the house and we still get the complaints.

We must accept that the quality of workmanship overall has deteriorated. Tradesmen perhaps have not had the training or do not have the necessary dedication and pride in their work. I am not saying that this applies to all, but a large percentage of tradesmen appear not to have the dedication or pride in their work that existed formerly. I do not know how that situation can be improved, but it is part of the problem. If we are to make engineers, architects, surveyors, and other advisers parties to an action, they will demand more frequent inspections during the course of construction. The usual time for construction is from 15 weeks to 20 weeks and more, and the cost of the house goes up by paying for additional professional services.

The Minister of Transport would be aware of damage to a property belonging to the Halsteads at Belair. The property is 45 metres from a 20 metre road, near a railway line. Heavy earthmoving machinery has been working on the railway line upgrading a section of the line to a double track, and the Halsteads' home has cracked badly. Railways officers turned up to take photographs but the camera did not work. I inspected the property and, following a subsequent telephone call from the Halsteads, I looked again. There was no doubt in my mind that the house had substantially more cracks than on my previous inspection. However, officers of the Minister's department say that it cannot be proved that the damage was the fault of the earthmoving machinery.

A person could build a swimming pool, or excavation could be carried out for a house on an adjoining block, a subdivider could blast rock for power lines or water pipes to go underground, and it would be impossible for the builder to prove that any damage was not his fault; that is, if the interpretation of the member for Mitcham and of the Housing Industry Association is correct. In some instances

it appears that the designer or the builder is at fault, but other factors may be involved. With some of our Bay of Biscay soils, for instance, a person may forget to turn off a hose, with the result that water saturates the soil around the foundations. The house may crack subsequently because of soil movement or subsidence. How does the builder prove that that cracking is not his fault?

It surprises me that perhaps all lawyers do not support the Bill, because I can see it being a gold mine for legal eagles. The industry cannot afford additional costs. South Australian housing costs have increased more rapidly in the past two years than have those of any other State in Australia. That is accepted, and has been proved by the census authorities. We are facing massive costs, and we should be cautious. I believe a conflict of interpretation exists, and I should like a legal opinion on who is right.

Earlier today, the House amended legislation dealing with seat belts after it had been found that the legislation had been wrongly drafted and that it was not possible for it to operate as had been intended. Perhaps the same situation applies here, because we do not appear to have general agreement on the effects of the legislation if it becomes law. In the case of the seat belt legislation, we had general agreement on the expected result. Unlike the member for Mitcham, I will not oppose the second reading. I am prepared to support the second reading to see what comes out of the subsequent debate, into which the member for Mitcham will no doubt enter. I want to see the outcome of the interpretation. If some difficulty remains, and because this is not an urgent Bill, I hope the Attorney-General will leave it so that further advice can be obtained to make sure that we are not introducing ineffective legislation that will increase costs by $1 000 a house for people who are struggling to find the deposit on a house. I support the second reading.

The Hon. PETER DUNCAN (Attorney-General): I reject totally the assertion that has been made by some members opposite that this Bill will increase the cost of houses by $1 000. It is a fantastic claim for which there is no basis. The Master Builders Association has considered carefully this legislation; it has sought independent legal advice on the effects of the Bill; it subsequently saw me about it; and it is pleased with it. The member for Fisher referred to the Housing Industry Association. To my knowledge that association has not tried to make representations to me.

Mr. Evans: They build three times more houses than the Master Builders Association.

Mr. Millhouse: They're the ones who build the houses, not the Master Builders Association.

The Hon. PETER DUNCAN: The honourable member knows that that is not the case. More houses are constructed by members of the Master Builders Association, firms such as the Jennings company. That association is pleased with this legislation. To suggest that this measure will increase the cost of a house by $1 000 is the sort of preposterous allegation that is made whenever the Government introduces legislation to protect consumers in this State. I can recall allegations that were made in relation to the Second-hand Motor Vehicles Act and the Land and Business Agents Act. The Real Estate Institute is quite pleased about the operation of that Act and does not make any of those sorts of claims now.

Mr. Millhouse: Will the price of a house increase at all?

The Hon. PETER DUNCAN: I doubt whether this legislation will increase the price of a house. The member for Fisher made a ridiculous assertion that the defendant builder could not prove when defects had occurred, whether they had occurred as a result of building and construction work or otherwise. The onus will not be on the defendant but on the plaintiff, the person who has bought the house, to prove these matters. I agree with the honourable member that it will not be easy in many instances to offer proof, but difficulty now exists when offering proof under existing law. What we are doing is providing that a person who buys a new house but who is not the person who had the contract with the builder will be put in the same position as the person who was the contracting party to the building contract.

We have introduced this measure because some companies, for their own purpose, are building houses on land owned by an associate company and avoiding their obligation under common law by selling to a third party purchaser. The member for Mitcham will know about this type of practice from his experience in the courts. This Bill sets out to try to remedy that practice. Members opposite do not seem to have appreciated a vital aspect of the Bill. I refer particularly to the member for Goyder. Clause 4 (1) (*a*) provides:

> A warranty that the building work involved in the construction of the house will be carried out in a proper and workmanlike manner;

That relates to work that was carried out before the building was completed. The warranties being provided by this clause are not similar to the sort of warranty that we now imply into a contract to buy a motor vehicle, a warranty that covers any defect that becomes apparent in a certain time. For example, if a gudgeon pin wears it can be replaced. However, that is not the situation here, because a complaint under this Bill must relate to the premises at or before the time building work was completed. If it transpires that part of the property has worn as a result of wear and tear or something like that it would not be subject to warranty.

Mr. Evans: What if the foundations subsequently crack?

The Hon. PETER DUNCAN: The buyer would have to prove that the cracking occurred as a result of the provisions of clause 4 (1) (*a*) (*b*) and (*c*), in other words, that the work was not carried out in a proper and workmanlike manner, that no faulty materials were used or that the house was not reasonably fit for human habitation.

Mr. Millhouse: Not "or"; the Bill has "and".

The Hon. PETER DUNCAN: All right, "and"—that the house was not fit for human habitation when the building work contemplated by the contractor has been completed. The buyer must prove those things in court.

Mr. Millhouse: I think that it is a drafting error. I believe that the interpretation put on that clause by the member for Fisher is right. I do not think that is what you meant it to be: it's cumulative. There could be a hidden defect that does not appear for six months.

The DEPUTY SPEAKER: Order! The honourable member will have an opportunity to speak in the Committee stage.

Mr. Millhouse: I was only being helpful.

The Hon. PETER DUNCAN: Points raised by honourable members have no substance. Although the Bill will benefit only a small group of people in the community, it will be of great and significant benefit to them. It is for that reason that the Government has decided to proceed with the measure. The provisions contained in the Bill relate to matters that could not have been resolved by any action of the Builders Licensing Board simply because people who can bring actions under this measure would normally fall outside the ambit of the jurisdiction of that board.

The DEPUTY SPEAKER: The question is, "That the Bill be now read a second time." Those in favour say "Aye", against "No". I think the Ayes have it.

Mr. Millhouse: Divide!

The division bells having been rung:

The SPEAKER: There being only one for the Noes, I declare the Ayes have it. The question therefore passes in the affirmative.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

Later:

Clause 3—"Interpretation."

Mr. MILLHOUSE: I want to point out what I believe to be minor drafting errors. I say minor, but in an actual court cases once the legislation is operating they may be anything but minor. The definition of "house" provides that:

"house" means a building designed to be a place of residence.

We may well run into trouble with this if a building is partly or predominantly used for residence and partly for office, professional, or commercial purposes. I suggest that the definition should be examined in another place. I think the Attorney-General is cutting out any building, any part of which is intended for any purpose other than a place of residence, but I doubt whether that is his intention. In the definition of "new house", with great respect to the drafting, I suggest that the word "genuinely" is completely superfluous. The danger of leaving it in is that a court might try to find some meaning for the word when no meaning is necessary. If a house is occupied as a place of residence that is enough: to state that it must be genuinely occupied as a place of residence may do much damage. The argument could be used that a shyster could go into a house for a week and say that he has occupied it as a residence, and if he did that for a week I cannot believe any court would be so naive. Despite the deep suspicions of the member for Fisher about courts (which he has had ever since he came into this place) judges and magistrates are not fools.

The Hon. Peter Duncan: Do you think he is paranoic?

Mr. MILLHOUSE: I cannot publicly say what he is. Courts are not fools, and it could never be construed as being occupied as a place of residence, if it were for some camouflage purpose such as that. I think the word ought to be taken out. What does the Attorney-General say about this?

The Hon. PETER DUNCAN (Attorney-General): I am happy with the present drafting. The member for Mitcham has pointed out the reason why the word "genuinely" is used in the definition of "new house". It is to stop shysters from trying to overcome the provisions of the Bill. The recent history of the honourable member as an interpreter is not good, and I suggest that the proper advice that has gone into the careful drafting of this Bill is correct and that the Bill should be passed with the definition clause standing as it is.

Mr. MILLHOUSE: I have done my duty and have not had any thanks for it. All I can say is that while the Attorney-General has tried to brush me off in this way, I should like you, Sir, to know that, in the past few months, I have had on two or more occasions lucrative experience of arguing various sections in Statutes which have been passed in this House and which were thought to be satisfactory but when they were analysed and applied to a specific situation they were absolute nonsense. I must say that I am richer for it, even though my clients have not always succeeded. I suspect that, in this Bill, and especially in this clause, the same thing may happen. If it does, my conscience will be clear.

Mr. EVANS: We have an Attorney-General and an ex-Attorney-General who cannot agree on a provision such as this, and I am supposed to accept that it is satisfactory for the man in the street: the member for Mitcham and the Attorney have proved my point. We have two people, both experienced in the legal profession, both Attorneys at some time, who cannot agree on the simple definition of "house". The member for Mitcham has argued that it is designed perhaps to be commercial as well as residential, in which case it would not come under the control of this Act. In some cases, it could be possible to build residential accommodation on top of commercial shopping complexes. Regarding the word "genuinely", I would accept that, if anyone suggested to a court that he had been in occupation for only a week or a fortnight, he would be told that he had not occupied it.

Mr. Millhouse: He has occupied it, but not as a residence.

Mr. EVANS: That is right. I do not believe that the word is necessary. If it meant that another legal argument must be overcome in the court, I would be worried. We have had one case since I have been in this Parliament where the transcript of legal argument over the interpretation of the words "may" and "shall" occupied 15 foolscap pages. Such actions must involve extra cost. As the member for Mitcham said, it could be lucrative, as it has been for him in other cases, to the legal profession. I do not think anyone is here to line the pockets of lawyers. Is the Attorney satisfied beyond all doubt that those definitions will not cause complications and will not increase the costs of legal actions and the costs to the consumer?

Clause passed.

Clause 4—"Implied warranties."

Mr. BOUNDY: I join with the member for Mitcham and the member for Fisher regarding the expression in paragraph (*c*) "reasonably fit for human habitation". Either the house is fit for habitation or it is not. Can the Attorney explain the need for the qualification? Members cannot understand the need for the qualification in the case of the word "genuinely", as in "genuinely occupied".

The Hon. PETER DUNCAN: It is a term of art well understood to the courts of law. If the words used were simply "fit for human habitation", that would imply the lowest standard that could be conceived in which persons could live. The expression "reasonably fit" means that it must be somewhat more than the minimum standard.

Mr. MILLHOUSE: I cannot accept that I said anything about the word "reasonably" when I was speaking. What the Attorney has said is right. It is a term of art. Other expressions I complained about, such as "genuinely". Before we launch into the amendments, I must make clear that, while the member for Fisher was speaking, I was puzzling about what he had said was the opinion of the Master Builders Association on this clause, that anything discovered after the occupation of the house would not count. I was trying to see how one could sustain that viewpoint. I jumped to a wrong conclusion in suggesting to the Attorney that perhaps the Bill did not carry out his intention because it made paragraphs (*a*), (*b*), and (*c*) cumulative, not alternative. Obviously, if we read clause 4 (1) and 4 (2), the conjunction is correct, and not the

alternative, because they are the three warranties that are implied. I was quite wrong in the interpretation I implied, and I am still puzzling about how the opinion to which the member for Fisher referred could have been reached.

Mr. EVANS: Does the Attorney-General understand clause 4 to mean that, where a person takes possession of a house after he has contracted with a builder for it to be built, any defects not obvious at that time cannot, under the provisions of this clause, be the subject of a future claim?

The Hon. PETER DUNCAN: This covers latent defects, but those defects must exist at the time.

Mr. Millhouse: Even though they are still latent.

The Hon. PETER DUNCAN: Yes; at the time, to use the words "when the building work contemplated by the contract has been completed". This is different fundamentally from the situation of a warranty over a motor vehicle. A person can take out a motor vehicle and run it into the ground for the warranty period, driving at high speed and blowing up the engine, but still claim under the warranty. The Secondhand Motor Vehicles Act provides a warranty that the car will be fit for three months. That is using lay terms and is not precisely correct, but that is what it does. This is fundamentally quite different. The defects must exist at the time the work contemplated by the contract has been completed.

Mr. MATHWIN: I wish to take up the point raised by the member for Goyder about the word "reasonably" in clause 4 (1) (*c*). Either the house must be fit or unfit for human habitation. After all, it has been approved by council and does not contravene any of the provisions of the Health Act or the Building Act. How "reasonably" can be defined in those circumstances is ridiculous. I do not see the Attorney's point, so can he put me on the right track?

Mr. BECKER: The Attorney referred to latent defects and how they must be obvious in the five-year period. I have tiles and bricks on my house that are fretting and wearing away. The tiles are terracotta and were recommended for my area. The company involved flatly refuses to accept any liability, yet it has advertised openly that its tiles are guaranteed for life. Unfortunately, the brick manufacturer has gone out of business. The company involved will not accept liability 14 years after the house was built. These defects would not been evident five or six years after the house was built. How good is this clause? Will it give consumers protection, or is it just included to prop up the legislation to make it look good? If consumers are to be protected, for goodness sake make the protections work.

The ACTING CHAIRMAN (Mr. Keneally): Is the honourable member seeking a legal opinion?

Mr. BECKER: No. I am saying that these protections, if they are included, should work.

Mr. EVANS: I accept what the Attorney has said. However, it now means that, under the provisions of this clause, the owner of the house can say, after seeking legal assistance, that the builder is at fault. Surely that will increase the cost of houses. I do not deny the owner the right to complain, but the Attorney will never convince me that this Bill, whether it is passed in its present form or is amended, will not increase the cost of houses because builders, architects, engineers and surveyors must take into account what they are likely to be faced with if they are challenged. I am not saying that the Attorney is wrong in what he is saying; he is wrong in believing that housing costs will not increase. It may be difficult for an owner to prove that a builder or an adviser is at fault, but the cost of establishing who is right or wrong is high. The member for Mitcham has admitted that it is a lucrative field.

The ACTING CHAIRMAN: Does the member for Goyder now wish to move his amendment?

Mr. BOUNDY: I move:

Page 2, lines 18 to 27—Leave out paragraphs (*a*), (*b*) and (*c*) and insert paragraphs as follows:

(*a*) the deficiencies of which the plaintiff complains result from work done, or advice (not being gratuitous advice) tendered, by some other person;

and

(*b*) it was reasonable in the circumstances for the defendant to expect that the advice would be sound, or the work properly performed,

The amendment arises out of submissions from the Royal Australian Institute of Architects, which has complained that the clause does not provide adequately for measures that it desires. The institute stated that the former Attorney-General referred the matter to them and stated that it would follow British legislation to a substantial degree. A letter to this effect from the former Attorney-General is dated January 23, 1975. Another letter on the matter is dated September 6, 1976. This amendment will provide that all parties to the building of a house be joined, not only the advisers but also subcontractors. The implications of the clause are that all persons involved in the building of a house be liable for actions that may be taken against them and also that they be protected to the limit of their involvement.

The Hon. PETER DUNCAN: The Government opposes this amendment simply because it is ill-conceived and fails to take into account the intention of the legislation, which is simply to extend the common law warranties that are implied into building contracts between the builder and the contracting purchaser. The existing provision seeks to extend the warranties to persons who subsequently buy the property from the original contracting purchaser, and sets out in paragraphs (*a*), (*b*) and (*c*) the common law position. To accept the amendment would mean that in law we would have a situation where people who bought a house from a builder pursuant to a building contract would have one set of warranties and people who subsequently bought the house in the five-year period from the original purchaser would have another set of warranties. That would only further unduly complicate the law in this area.

Mr. EVANS: It is possible that the person who contracted to build a house could move into the house and find defects about which he does not bother to complain, and could then decide four years later to sell the house at a price substantially reduced from what it would have been if the defects were not obvious. The second owner may be a speculator who sees the opportunity to take action and capitalise on that situation. Thousands of dollars could be involved. The person who should have got the benefit is the middle guy, but he may have decided that, because of the cost of litigation, it was not worth while. Therefore, he does not get the benefit. Some people in the community would be wide awake to this situation and would think they could pin this on the builder. However, I do not say that the builder should be able to opt out of his responsibility.

The matter is not as simple as the Attorney says it is. He has had experience in the legal field, but I have experience in this field and the Attorney is creating the

opportunity for a certain type of person to exploit the housing industry. I support the amendment. I do not believe there is any harm in it or that it weakens the Bill. I believe the amendment may place some responsibility back on the consumer, which is not a bad thing. What I have said is an answer to the Attorney's assertion that everybody will receive justice because of this Bill. The person who does not understand the law will miss out, but the opportunity exists for the shark.

The Hon. PETER DUNCAN: Everything the honourable member said was irrelevant to the amendment or the clause. If a person who has a building constructed subsequently sells it at a cheaper price because it has some obvious latent defect, then the new owner, when he takes the builder to court seeking damages, will have those damages reduced by such amount as he may have benefited by as a result of the property's being sold to him at a cheaper price. I fail to see the relevance of that point to the merits of the amendment.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allison, Arnold, Becker, Blacker, Boundy (teller), Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Allen. No—Mr. Broomhill.

Majority of 1 for the Noes.

Amendment thus negatived.

The CHAIRMAN: Does the honourable member for Goyder wish to proceed with the further amendment of this clause?

Mr. BOUNDY: I move:

After line 31 insert subclause as follows:

(4a) A person shall not commence proceedings for breach of a statutory warranty unless he has, by notice in writing served upon the person against whom the proceedings are to be brought—

(*a*) informed him of the grounds upon which he proposes to bring the proceedings;

and

(*b*) offered him a reasonable opportunity to inspect the premises to which the proceedings are to relate.

The Hon. Peter Duncan: We agree.

Mr. BOUNDY: I thank the Attorney-General for accepting the amendment.

The Hon. PETER DUNCAN: The Government supports the amendment and looks forward to its rapid passage through Committee.

Mr. MILLHOUSE: I hope that the Liberals will not think that they have won a victory in this matter because, if so, they are wrong. These words mean absolutely nothing; they do not protect anyone. The Government has accepted it, because it knows that the new subclause has no significance whatever. I hope that the Liberals will not use this incident as an excuse not to vote against the third reading of the Bill.

Amendment carried; clause as amended passed.

Title passed.

The Hon. PETER DUNCAN (Attorney-General) moved: *That this Bill be now read a third time.*

Mr. MILLHOUSE (Mitcham): I oppose the third reading for the same reasons for which I opposed the second reading, and I hope that this time I will get some support from the Opposition.

Dr. Tonkin: What a petty little man you are.

Mr. MILLHOUSE: The Leader says that I am a petty little man. I do not know what has caused his spleen.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker.

The SPEAKER: What is the point of order?

The Hon. HUGH HUDSON: The honourable member is committed to dealing with the Bill as it came out of Committee. Anything that the Leader of the Opposition may have said or interjected is irrelevant, and not part of the third reading debate.

The SPEAKER: I uphold the point of order. The honourable member for Mitcham realises that he must speak to the Bill as it came out of Committee.

Mr. MILLHOUSE: I was merely answering a particularly unpleasant interjection from the Leader of the Opposition. He made it in the course of my saying that I hoped that the Liberals would vote against the third reading, because undoubtedly the legislation will increase building costs in this State. I refer particularly to clause 4 (3), which is the five-year provision but which does not restrict applicants to a five-year period. If the Minister of Mines and Energy were to buy a four-year old house and occupy it for a considerable time, he would have the protection of the Bill throughout the whole of that time. So, the protection will extend for a long time.

Under clause 4 (4), undoubtedly, as the member for Fisher said, house builders will have to be super careful in future, because of the liability explicitly put on them under the clause. Incontrovertibly, the legislation must increase costs, which will not be justified by the increased protection that house owners will get under the Act as a whole. That is a sufficient reason, in my view, for voting against the Bill. Whatever else other members and I may have said about it, the warranties inserted by the Bill are really no more than are usually in a written building contract, anyway. Clause 4 (4) is the worst aspect of the Bill, because of the increase in costs that will be entailed. I oppose the third reading, as I opposed the second reading.

Mr. BOUNDY (Goyder): If it is any comfort to the member for Mitcham, the Liberal Party opposes the Bill at the third reading, because, as my first amendment was not carried, it is an unsatisfactory Bill.

The House divided on the third reading:

Ayes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan (teller), Groth Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (21)—Messrs. Allison, Arnold, Becker, Blacker, Boundy (teller), Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Allen.

The SPEAKER: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The motion therefore passes in the affirmative.

Third reading thus carried.

Bill passed.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Standing Orders having been suspended, the Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Workmen's Compensation Act, 1971-1974. Read a first time.

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

That this Bill be now read a second time.

Before explaining this Bill, I apologise to members for the fact that printed copies are not yet available. The reason is that as a result of comments on a draft of the Bill made by the Industrial Development Advisory Council, an advisory body to the Premier, some parts of it have been revised. As members will recall, the Government did not proceed with the Bill to amend this Act that I introduced last February because of the comments and representations then received. I.D.A.C. was one of the bodies that specifically made representations and, at the Premier's request, members of that council were last Monday given a copy of the draft bill to comment on. Following a meeting of the I.D.A.C. late yesterday afternoon, the Government decided to make some alterations to the Bill. Although copies of the original Bill would have been available in printed form, the drafting of the amendments was not completed until the early hours of this morning and it has been physically impossible to have printed copies of the revised Bill available. I understand that printed copies may be available later this afternoon: if not then, certainly by tomorrow.

I appreciate very much the fact that the Parliamentary Counsel's staff worked until 2.30 or 3 o'clock this morning on the suggested amendments. I think it is quite a miracle that we are able to proceed today, but I gave my word we would proceed this week and I wanted to do so.

In introducing a Bill to amend the Workmen's Compensation Act last February, I made a statement in relation to our legislation which bears repeating on this occasion. The statement was that the South Australian Workmen's Compensation Act "has been seen as pioneering legislation which led Australia in providing economic security for those injured in the course of their employment, and as a consequence unable to earn their living, and those suffering permanent disablement. Other States have, in the intervening years, followed our lead in many respects. At the same time, we have taken vigorous action to improve legislative standards of safety, health and welfare at work and strengthen the staff of the industrial safety inspectorate to see that those standards are observed. It is important to remember that, as provided in the Industrial Safety, Health and Welfare Act, 1972, it is the responsibility of each employer to take all reasonable precautions to ensure the safety and health of his employees while at work."

The statement contains the three interwoven threads of economic security for injured workers, safety on the job and adequate rehabilitation which I have been stressing for some considerable time. The amending Bill of February, 1976, was intended to be the first step in the Government's consideration of the operation of the Act. After the introduction of that Bill, it became apparent from comments made, particularly by employer and trade union bodies, that further consultation on the legislation was desirable. In view of this, the Government decided not to proceed with the Bill during the February session, but instead to circulate copies of it to interested organisations for comment. Previously, a number of complex proposals concerning the registration of approved insurers, the regulation of premium levels and acceptance of risks, the elimination of brokerage fees, apportionment of liability, and proposals to give some protection to employers and their workmen because of failure of insurance companies, had been circulated to the same organisations for consideration.

Comments were received from nearly all who were approached, and it was extremely gratifying to see the care and thought which had gone into their submissions. The wide range of views meant considerable work was needed to collate and assess them. Although many of the recommendations did not finally prove to be acceptable, the exercise was extremely valuable and helped to clarify the Government's thinking on a number of points. I would like to put on public record in this House the Government's appreciation of this response to our request for comments as part of the consultative process. All comments received were considered in the light of the Government's policy on the object of workmen's compensation legislation which I have referred to earlier and have been taken into account in formulating this Bill. Over the past few years, considerable concern has been expressed at the rise in the costs of workmen's compensation, and allegations have been made that there are "bludgers" on the system. The Government has never subscribed to the fact that this has been widespread for the past two years, and some independent research indicates that we have not been mistaken.

The total number of claims made under the Act has fallen from 87 000 in the financial year 1973-74 to 84 000 in 1974-75 and, further, to a figure of about 78 000 in 1975-76. There has been a significant arresting and reduction in what was said by opponents of the legislation would be an irresistible upward trend in claims lodged. In fact, the number of claims related to the number of employees covered by the Workmen's Compensation Act has fallen from 207 per 1 000 employees in 1973-74 to an estimated 176 per 1 000 in 1975-76. This latter figure does not differ greatly from 171 per 1 000 employees in 1965-66. Naturally, the cost to industry involves more than just the number of claims made. When the basis of weekly payment was changed from a maximum of $65 to average weekly earnings (a change approved by both Houses, in 1973, even though the Government was substantially outnumbered in the Upper House), it was expected that amounts paid would increase substantially. However, in examining the effect of the change two factors have to be considered: wage levels, as measured by average weekly earnings, have trebled over the last 10 years, while the number of employees subject to the Workmen's Compensation Act has increased by 29 per cent. Only by discounting these two factors (wage levels and work force changes) in the dollar amount of claims paid is it possible to drive a measure of real unit claims that identify the increased cost in real terms.

It is interesting to note that when this calculation is made the overall change between 1972-73 and 1975-76 was an increase of only 16 per cent, whereas the maximum benefit increased by 144 per cent in the equivalent period. The significant thing about figures showing increases in amounts paid for workmen's compensation claims and premiums paid for workmen's compensation insurance is

that our experience in South Australia has been shared with all the other States. In every State for the past few years there have been administrative and legislative problems, rising costs, and calls for inquiries. Much of the impetus for a national compensation scheme has come from this Australia-wide experience.

For the past two years premiums in New South Wales have risen alarmingly. Last June, the New South Wales Government reduced recommended premiums by 20 per cent, because it was found that there had been an overestimation by insurance companies of anticipated claims as a result of increased benefits under the New South Wales Act. In Queensland, the sole insurer in this field (the State Government Insurance Office) has made large losses and been forced to increase its premiums substantially. In Victoria, there has been a sharp increase in premiums and a special inquiry has been set up. It must be remembered when comparing benefits that, in New South Wales and Victoria, most employees are also entitled to make-up pay in accordance with the appropriate award, the effect of which is to give an entitlement to full pay while on workmen's compensation. However, the cost of this make-up pay is not usually taken into account when making cost comparisons with South Australia, where such provisions do not apply. In addition, recourse to lengthy and expensive common law actions in those States is said to be far more frequent than in South Australia, where our Act provides for quicker settlements, which make it less necessary to take common law proceedings.

The fact is that the disparities between South Australia and other States are nowhere near as great as is suggested, and there is no evidence that our Act has placed us at a disadvantage. I would go further and say that a lot of the talk about inflated benefits and "bludgers" is sheer nonsense, and a smokescreen for the insufficient attention paid to safety and rehabilitation by many employers and the insufficient competition between insurers in quoting premiums and relating them to claims experience. In support of this, the opinions of the manager of C.E. Heath Underwriting Agencies Limited, one of the largest single workmen's compensation insurers in South Australia, are interesting. He has told me that quite often bad claims records are brought about by poor accident prevention principles and lack of interest in the problems of injured workmen.

While he acknowledges that increasing premium rates are a serious problem, he considers the present legislation is effective, equitable, workable, and not unduly expensive, provided that proper emphasis is placed on rehabilitation, prompt settlement of claims, and efficient administration. An important issue often overlooked, he contends, is rehabilitation of the injured employee and, as a consequence, his speedy return to the work force, and he has no doubt that rehabilitation and prompt settlement of claims are two important features in the controlling of costs of compensation. Quite rightly, he puts his finger on the essential fact which has made his business so successful and to which increasing numbers of employers are waking up: instead of passing a compensation case over to an insurance company, it is good business as well as socially responsible to consider the injury victim and his needs and try to get him back into the work force.

Members may recall reading in the press last month of progress results of a two-year national survey into the social effects of major industrial accidents in Australia undertaken by the Rev. Alan Scott, of the Inter-Church Trade and Industry Mission. Although data collected to date referred only to Victoria and a small sample from New South Wales (research is continuing in other States this year), his findings on the social implications of industrial accidents, which are being confirmed in his South Australian studies, deserve some attention by this House. Surveys were made of those victims of industrial accidents who have been off work for three months or more. It has been found that the effects of such accidents have wide ramifications on many areas of life, in addition to their effect on their working life. In cases already studied 83 per cent of those who had returned to their previous job experienced a deterioration in their work performance. However, the repercussions in human terms must also be assessed, if we are to appreciate the full cost of industrial accidents. The survey has revealed that 73 per cent of those interviewed had undergone a change in their leisure activities; 68 per cent experienced a curtailment of their sporting activities; 68 per cent found that their participation in their home life had altered; and 51 per cent experienced a change in their sex life.

Mr. Dean Brown: Are you referring to New South Wales and Victoria?

The Hon. J. D. WRIGHT: Yes, but not to South Australia. In terms of re-employment, it was found that 32 per cent had to find a new employer; 60 per cent had to learn a new type of work; and 45 per cent were kept on by their old employer. The evidence suggested that employers take little interest in accident victims, and organised community assistance seemed to be largely nonexistent. Very few persons had received retraining on re-entry to the work force. In the light of the psychological traumas that follow industrial accidents, the report stresses the need for rehabilitation to be more than an afterthought. Mr. Scott, in his survey report, states that without the aim of complete re-establishment for the accident victim as a full contributory member of society being realised, the victim remains an economic charge on the community, an emotional charge on his family, a social charge on his workmates, and a psychological charge on himself. Although the payment of average weekly earnings to workmen temporarily incapacitated serves to cushion the blow of economic trauma, there is still much to be done to assess the full impact of industrial accidents.

Mr. Scott has told me that the greatest need is for rehabilitation in the total sense rather than just in the medical. This has already been recognised by the Government. Regulations under our Industrial Safety, Health and Welfare Act require a medical officer to be employed, on a full-time or part-time basis, in all industrial premises in which more than 300 persons are working at any time. Further, the Public Health Department, in consultation with the Industrial Safety Division of my department, has undertaken an important initiative in providing for this total service in its plans to establish a comprehensive occupational health centre in the Port Adelaide area. Already at least one private industrial injury clinic at Mile End is showing a considerable success rate in assisting injured workers to return to work.

Earlier this year, both the Director of my department and I made study tours overseas to assess, amongst other things, developments in workmen's compensation in Europe and Canada. From the observations we made it seems clear that South Australia and Australia as a whole are behind many other Western countries in their attitude to workers who are injured in the course of their employment. Although Australian Workmen's Compensation Acts are in general more generous in the benefits payable to persons incapacitated for short periods, and in respect of

a wider range of injuries, through compensation being paid also in respect of journey accidents and industrial diseases, we give far more attention to those who are absent for short periods than we do to workers who have some permanent incapacity. We have not given any real consideration, as part of our workmen's compensation system, to the rehabilitation of injured workers nor is there any relationship between the prevention of accidents at work and the compensation system.

In several oversea countries, particularly Canada, West Germany, Austria and Switzerland, the rehabilitation of injured workers is regarded as being an integral part of the workmen's compensation arrangements. In fact, in many instances the workmen's compensation authority has built and operates very efficient and comprehensive rehabilitation centres for the vocational rehabilitation of persons injured at work. These rehabilitation centres are completely financed by the workmen's compensation authority, that is, by contributions from employers. Also, in some cases, the workmen's compensation authority allocates part of its funds for accident prevention purposes and for safety education and training.

The Government considers that these are all matters that require detailed consideration before any change in emphasis from compensation to rehabilitation can be introduced into South Australian legislation. As a first initiative in this area, I recently appointed a working party to inquire into the rehabilitation and employment of disabled persons in South Australia. Apart from obtaining information on the number of disabled workers, which will include those injured in industrial accidents, the cause and degree of disability, and the facilities available for and used by disabled persons in South Australia, the working party is to examine the degree to which industry in South Australia is employing handicapped persons. The working party is to report to me before the end of this year, and it is intended that its findings will provide background information for future legislation in this area.

In turning to the detailed provisions of the Bill, there are two aspects I wish to single out for special attention. First, clause 7 dealing with weekly payments contemplates a substantial redrafting of the present section 51. It gives effect to the Government's policy that a workman should be in no better position nor worse position than if he had not been incapacitated for work. The Act at present does not do this. It does not provide any means for varying the amount of compensation, if levels of overtime change. For instance, where the general level of overtime has been reduced a workman on compensation can receive far more by way of weekly payments than his workmates still on the job. Such a situation is clearly inequitable and the new section corrects this anomaly.

Secondly, clauses 18 to 20 refer to some major changes in insurance arrangements by which the Government intends to achieve several objectives. The key to them is the appointment of an advisory committee on which there will be representatives of all interests in this matter. This will be the means by which the level of premiums, the proper recognition of safe working, and the availability of proper insurance coverage can be properly examined.

Two major innovations are provided. The nominal insurer will give protection to workmen in the event of the insolvency of an insurer, an exempt employer, or an uninsured employer. With respect to this last category, it should be noted that the penalty for non-insurance has been substantially increased. The insurer of last resort will provide a means whereby hitherto uninsurable risks can be covered on a reasonable basis.

It is hoped that these new arrangements will lower costs and promote efficiency. Coupled with the attention to safety and rehabilitation, to which I have referred earlier, there is no reason why the benefits and protection the Act provides to those injured at work should be a burden to industry. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 amends the interpretation section, section 4 of the principal Act, by inserting several new definitions. Attention is drawn to the definitions of "special benefit" and "special payment". The insertion of the definition of "special benefit" entails the repeal of section 30 and subsections (1) and (4) of section 68 of the principal Act. The definition brings together those payments, benefits and allowances which, if paid by an employer to an incapacitated workman in respect of his incapacity, may be deducted from the amount of the weekly payments. The insertion of the definition of "special payment" entails the repeal of section 63 of the principal Act.

This section provides that certain payments included in the remuneration of a workman that are by their nature payable because he is at work or because of the particular nature of his work are excluded for the purpose of calculating the amount of any weekly payments of compensation that may be payable to the workman. Paragraph (*f*) of this clause makes an amendment to subsection (1*a*) of section 4 that is consequential on the alteration made under this Bill to the method of calculating the amount of weekly payments of compensation.

Clause 4 amends section 9 of the principal Act in relation to the right to compensation in respect of injuries occurring during journeys connected with employment. The clause amends paraprah (*b*) of subsection (2) to make it clear that it applies to any return journey from an institution which the workman has attended in connection with his employment or training for his employment. The clause also extends the journey provision to a journey to obtain a medical certificate in connection with an injury for which the workman is entitled to receive compensation and to a journey to collect a compensation payment. Clause 5 repeals section 22 of the principal Act so that the court may be constituted of an industrial magistrate at the direction of the President of the court. Clause 6 repeals section 30 of the principal Act which deals with matters that are dealt with in the proposed new section 51 read together with the definition of "special benefit".

Clause 7 repeals section 51 of the principal Act and substitutes new sections 51 and 51a dealing with the entitlement to an amount of weekly payments and the review thereof, respectively. New section 51 provides for the re-enactment in this section of those sections now regulating the amount of weekly payments with one major change of substance. This change is that the averaging of previous earnings for the purpose of ascertaining the weekly payments is, in the case of earnings by way of overtime, to relate to the period of four weeks only preceding the incapacity, in order to ensure that the element of weekly payments based on overtime more closely reflects the overtime now being worked at the commencement of the incapacity in each case.

New section 51 also fixes the weekly payment payable to partially incapacitated workmen, improvers, apprentices, and workmen who had more than one employer at the relevant time. Consequential upon the enactment of this

provision is the repeal of sections 61, 62, 63, 64 and 67 and subsections (2) and (3) of section 68 of the principal Act. Under this provision, weekly payments payable at the commencement of the measure are to be adjusted to the new rates. New section 51a substantially re-enacts section 71 of the principal Act by providing for a review of the weekly payments, but adding to those matters to which regard shall be had upon such review the payments by way of overtime which would have been payable to the workman but for the incapacity and any special benefits paid to the workman by the employer in respect of the incapacity.

Clause 8 amends section 52 of the principal Act by providing that an employer may discontinue or diminish weekly payments to a workman if the workman fails to provide a continuity of medical certificates evidencing his incapacity. The employer is required by the provision to give the workman 21 days notice that his weekly payments are to be discontinued or diminished, during which period the workman may apply to the court for an order that they may be continued. The opportunity provided by the amendment of this section has been taken to adjust the amount of the penalty for an offence against this section.

Clause 9 amends section 53 of the principal Act by adjusting the amount of the penalty for an offence against this section. Clause 10 amends section 54 of the principal Act so that workmen who are entitled to be paid for public holidays that occur during their incapacity will not, in addition, be paid compensation in respect of such public holidays. Clause 11 repeals sections 61, 62, 63, and 64 of the principal Act. The repeal of these sections is consequential on the new section 51 and, in the case of section 63, the definition of "special payments". Clauses 12 and 13 amend sections 65 and 66, respectively, to ensure that a workman who is incapacitated and receiving weekly payments should not, so long as he continues in his employment, lose the benefit of annual leave in respect of the period of his absence due to the incapacity. At present workmen obtain this benefit only if they return to their employment after the period of incapacity.

Clause 14 repeals sections 67 and 68 of the principal Act for reasons which have been outlined above. Clause 15 repeals section 71 of the principal Act. Clause 16 repeals section 73 of the principal Act. The repeal of this section will enable the method for determining percentage loss of hearing published towards the end of 1975 by the National Acoustic Laboratory to be adopted for assessing the amount of compensation for noise-induced loss of hearing. Clause 17 makes a drafting amendment only.

Clause 18 inserts new sections 122a and 122b in the principal Act. New section 122a provides for approval by the Minister of insurers in relation to the provision of insurance coverage for workmen's compensation risks. Applications for approval may be made by any insurer authorised under the Insurance Act, 1973, of the Commonwealth before the first day of April in any year and approval, if granted, is effective on and from the next first day of July. As in the case of approval of insurers in relation to the provision of compulsory third party motor vehicle insurance coverage, the approval may be made subject to conditions. New section 122b empowers the Minister to require approved insurers to furnish information as to workmen's compensation insurance and claims.

Clause 19 amends section 123 of the principal Act by providing that the workmen's compensation insurance coverage that employers are required by that section to obtain shall, after the first day of July, 1977, be obtained only from insurers approved by the Minister under proposed new section 122a. The clause increases the amount of the penalty for failure by an employer to obtain such insurance coverage. The clause also empowers the Minister to attach conditions to the exemption from the provision in respect of self-insurers.

Clause 20 inserts new sections 123a to 123p in the principal Act. New sections 123a to 123d provide for the establishment of a scheme for the satisfaction by a "nominal insurer", to be appointed under the scheme, of any claims by an employer where his workmen's compensation insurer fails financially, or by a workman where his employer is uninsured or, in the case of an employer who is a self-insurer, fails financially. The scheme is substantially the same as the "nominal defendant scheme" under the Motor Vehicles Act, 1959-1976, in respect of compulsory third party insurance under that Act. New section 123e regulates the fee that insurance brokers may charge for effecting workmen's compensation insurance coverage for employers. New section 123f prohibits approved insurers from making any payment to an insurance broker for effecting such coverage.

New sections 123g and 123h provide for the establishment of a scheme under which employers who find it impossible or difficult to obtain workmen's compensation insurance coverage may obtain coverage from an insurer (referred to as the "insurer of last resort") to be appointed under the scheme. Any loss incurred by the insurer of last resort in providing insurance coverage for such undesirable risks is to be borne by all approved insurers in proportion to their premium income from workmen's compensation insurance. The employers who qualify to obtain coverage from the insurer of last resort are those who carry on activities involving, by their nature, a high risk, which activities are to be declared by the Minister upon the recommendation of the Workmen's Compensation Insurance Advisory Committee established under proposed new section 123i, and those who satisfy the advisory committee that they have not been able to obtain coverage at a premium that is reasonable in the circumstances.

New sections 123i to 123p provide for the establishment, functions and powers of the Workmen's Compensation Insurance Advisory Committee. The advisory committee under new section 123i is to consist of six members and be representative of the Government, workmen, employers, approved insurers, and the insurer of last resort. New sections 123j and 123k provide for the terms and conditions of office of members of the advisory committee and their remuneration. New section 123l regulates the proceedings of the advisory committee. New section 123m provides that proceedings of the advisory committee shall not be invalid by reason of a defect in its constitution, and protects its members from personal liability where they have acted in good faith.

New section 123n provides for the functions of the advisory committee. Those functions are to be, in addition to those associated with the scheme for the coverage of undesirable risks by the insurer of last resort, to investigate and advise the Minister regarding allegations of excessive workmen's compensation insurance premiums, of refusal by approved insurers to provide workmen's compensation insurance coverage or of premiums failing to reflect the accident records of those insured, and to perform

such other functions as may be assigned to it by the Minister. New section 123o provides that the advisory committee shall have the powers of a Royal Commission. New section 123p provides for the appointment of a secretary to the advisory committee.

Mr. DEAN BROWN secured the adjournment of the debate.

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 6 p.m. the House adjourned until Tuesday, November 2, at 2 p.m.