HOUSE OF ASSEMBLY

Wednesday, April 20, 1977

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

QUESTIONS

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard*.

ENFIELD HARRIERS' TRACK

In reply to Mr. WELLS (April 12).

The Hon. D. W. SIMMONS: Following representations by letter and in this House by the honourable member, the Minister of Tourism, Recreation and Sport has suggested that the Enfield City Council and Enfield Harriers should jointly submit an application for a grant under the Tourism, Recreation and Sport Department capital assistance programme. Such application would be considered together with all other applications received for capital assistance. Notices inviting applications under this programme appeared in the press on 1, 2 and 3, April, 1977.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Marion Community Welfare Centre,

Yatala Labour Prison Industry Complex.

Ordered that reports be printed.

NO-CONFIDENCE MOTION: STATE PLANNING

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

That Standing and Sessional Orders be so far suspended as to enable Notice of Motion: Other Business: No. 1 to be taken into consideration forthwith, and that such suspension remain in force no later than 5 p.m.

Motion carried.

Dr. TONKIN (Leader of the Opposition): I move:

That, in view of the continuing threat to the livelihood and quality of life of South Australians presented by the Government's total failure to effectively plan and manage the physical, economic, and social development of metropolitan Adelaide, and the State, this House no longer have confidence in the Government and call on it to resign.

This motion comes after a great deal of prolonged and difficult investigation into the Government's performance in the areas of planning and management in this State. The Parliamentary Liberal Party more than 12 months ago began an inquiry into all matters of planning in this State. We are most grateful to the many people who gave of their time and expert knowledge, under the chairmanship of the member for Chaffey. It rapidly transpired that the whole planning situation in South Australia had become a complete and absolute mess. This applied not only to legislation, which conclusion was supported by numerous comments made by people concerned with planning, with people and even the Chief Justice hearing cases in the courts, but also to the overall management and development of the metropolitan area and the State.

To sum up the situation, the development of this State is in a mess. The Government has demonstrated quite clearly that it has an inadequate concept of planning. It has shamefully neglected to maintain a close watch on population projections and actual population trends and has failed to make rational planning decisions based on those population projections. It has not revised the 1962 development plan as it promised it would do in 1972 and 1977. This has resulted in waste on a colossal scale as epitomised by Monarto and the expenditure of funds on the servicing of an increasingly expanding metropolitan area.

The Government continued with this course even when it became aware of the inaccuracies of the population projections, again as evidenced by its attitude to Monarto. With the unjustified diversion of funds to Monarto and elsewhere, the Government has been culpably guilty of neglect of the inner metropolitan area, which has been allowed to run down. Waste and neglect are key words in the Government's performance. Planning neglect has resulted in a colossal waste of resources and taxpayers' money. Planning neglect has resulted in the neglect of the Government's social responsibilities, and this shows a lack of real concern.

People are not getting value for money out of this Government, and this shows gross inefficiency. The Premier may talk about balancing his Budget and having a Treasury in better shape than that in any other State in the Commonwealth, but this is no justification for throwing taxpayers' money away, which is exactly what has been done. I repeat that people are not getting value for money out of this Government, which is throwing its money away. This shows gross inefficiency.

Much more could be said at length about the effects that this Government's dual theme of waste and neglect has had on the various departments under its control. We have only to look at those on the Government front bench who are responsible for such matters as education, transport, and industrial development; in fact not one department has not been affected by this wicked waste of taxpayers' funds because the Government has been prepared to throw money away on projects which have not been planned adequately, have not been based on population projections and, indeed, have been wilfully proceeded with in spite of a knowledge of true population projections and trends. It has been a wilful waste.

My colleagues will endeavour to cover the main points in their own fields of interest as to exactly how this waste of money and resources has affected various departments. Let me give notice now that this no-confidence motion today, whatever the outcome of it may be in this House on political lines, marks the end of the line for the Government in regard to its whitewashing over the cracks in its housing and urban affairs policy while it is trying to wriggle out of the Monarto fiasco.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: I am sorry members opposite are embarrassed. They should be embarrassed, because this is one of the best covered-up stories of Government mismanagement and waste of time. It has taken in a great number of the media people in this State, too. It has become apparent that the Government as a whole has been waking up, albeit slowly and piecemeal, to the enormity of its mismanagement and the waste and neglect

that has resulted on a monumental scale. Monarto was once described as a monument to the Government and to the Premier. It certainly is, and it should never be forgotten as a prime example of stubborn mismanagement, waste and neglect on a monumental scale. The memory of Monarto will stand as an indictment of this Labor Government, which no number of public relations exercises or announced inquiries at great length can possibly change.

During the past few weeks we have seen evidence of the Government's recognition of the havoc it has created, of its panic and of its efforts to cover up its mismanagement. Articles have appeared in the daily press; one, written by the Minister for Planning, appeared in the *News*. The Hart inquiry has been announced. The Government obviously hopes that, by announcing that inquiry into planning law reform, the Opposition and the people of this State will swallow the bait and concentrate any attack on that area only. I have a strong suspicion that Mr. Hart, the Director of Planning, is being set up as the patsy to take the blame for the Government's mismanagement. If that is so, it is a deplorable and disgusting state of affairs.

Management is the key to the answer. Planning law reform is only the tip of the iceberg, and the Opposition's whole effort in investigating this matter over a considerable time has been focussed on the lack of planning and effective management for the metropolitan Adelaide area, together with the waste of time and resources on Monarto. I do not intend to go at any great length into the advisability of having the Director of Planning inquiring into activities that have largely been governed by his decisions and those of his officers. As I have already stated in this House, I believe he has been placed in an untenable position, and he has no hope of being objective about the matter or of coming out with any response to an inquiry that will be objective and worthwhile, because the Government has placed him in this position. Mr. Hart is a man of integrity and great learning in this field, but no-one, no matter how great his integrity, could be expected to come out with a report such as he has been asked for. It is totally unfair of the Government to place him in that dichotomous position.

An article appearing in the *Advertiser* on April 16 could be read as a public relations exercise by the Government, as I am sure it was, in seeking to explain away its difficulties while appearing to do a good job of coping with change. I do not believe that the electorate is as naive as that, and I certainly do not think that the Government will escape debate and criticism on the subject in the coming months. It was a very skilful piece of work, and obviously it has been accepted at face value by many people, including the media. However, the article basically refers to the Kent report on population and housing forecasts as though they are totally unexpected figures that have come out of the blue. The article is very useful but, indeed, it is useful because it is a summary of matters that, far from praising the Government, condemns it. It provides a very real pointer to the Government's inability to plan, control and manage urban affairs. Let us look at that article, which is entitled "The best of plans can go astray".

Mr. Goldsworthy: It was a whitewash.

Dr. TONKIN: Yes, a fantastic one. The heading is "The best of plans can go astray", but what plans? Why, if the planning process has been effectively managed over the preceding 10 years, have those plans gone astray? How can they go astray if the planning process has been carried out efficiently and the population projections have been matched up with population trends? The essence of planning is in allowing for change (not after 10 years or after four years) as trends become apparent and as it is obvious that they no longer match up with population projections.

Mr. Goldsworthy: They knew it years ago.

Dr. TONKIN: Yes, in 1974 and 1975, when the Government was pushing ahead with Monarto. No-one was more astray in doing this than were the Premier and the Minister for Planning.

Mr. Gunn: The Minister of Education as well.

Dr. TONKIN: He helped. How, if the planning process is effectively managed, can plans go astray? How far can they go astray? How far out can one be? Obviously, a long way out, with Monarto, and metropolitan planning was $17 000 000 out. Metropolitan planning has been neglected during the entire term of this Government, from 1970 to 1977. The Government's total obsession with Monarto and building a monument has been clearly shown in the plan of the map that was incorporated in the newspaper article. I refer to the census changes that have been quoted.

The Hon. Hugh Hudson: What do you mean by the plan of the map?

Dr. TONKIN: The plan in the map of the changes that have occurred. We see in the inner metropolitan areas a marked decline in population as follows: Enfield —5 per cent, Kensington-Norwood —13 per cent, Adelaide —16 per cent, Unley —7 per cent, Thebarton —13 per cent, West Torrens —4 per cent, Hindmarsh —16 per cent, and Prospect —7 per cent. If the Ministers would like a copy of the plan, I have several of them; they need not write down the figures. In the outer areas we find that there has been the following tremendous increase: Noarlunga +66 per cent, Willunga +55 per cent, Meadows +138 per cent, Stirling +29 per cent, Tea Tree Gully +53 per cent, Gawler +10 per cent, and Salisbury +38 per cent. This is the spread of the metropolitan area about which we have heard. In inner urban areas the population has significantly declined. This trend became obvious in the late 1960's. The consequence of decline is physical deterioration and a falling level in standard of use of the social infrastructure (for example, education, kindergartens, primary schools, etc.). Before the Premier gets too far carried away, I ask him what has happened to the Kensington development plan and to the Hackney development plan, a promotion that was taking place when I was campaigning in that area in 1967.

The Hon. D. A. Dunstan: You haven't been to look.

Dr. TONKIN: I have been to look.

The Hon. D. A. Dunstan: You haven't been to Hackney recently.

Dr. TONKIN: All that has happened there is that some houses have been pushed down, a few have been renovated, and the rest is vacant land. In Kensington, there has been no action whatever. We will see what the Premier has to say about Kensington. At the same time, the outer areas have experienced phenomenal growth. Obviously, the Government has been caught by surprise, because it has not rethought its ideas. It must have hastily planned many services to those areas—who knows at what cost! Parts of the 1962 development plan have not been implemented that would have aided the smooth development of these areas and their support facilities. People in these new areas are more than critical of the inadequate provision of facilities. Areas are still unsewered, and transport facilities leave much to be desired. These people must lament the

long distances they have to go to and fro to get to work and to other facilities. They must also be envious indeed of the amount of money spent on Monarto to establish bricks and mortar and services. These funds would have been far better spent in outer metropolitan areas to provide these services to the people and also in the development of inner metropolitan areas.

On one hand, we have areas screaming out for urban renewal, such as the case of the Kensington redevelopment plan, to preserve the economic base of these areas and to keep communities intact and provide a close relationship between places of living, playing, and working. In the outer areas, the picture is also one of neglect and lack of concern for people. There have not been sufficient funds to go around, because they have been thrown away on a pipe-dream, Monarto, and how the Premier can boast about balancing his Budget against this background of waste and ineptitude I am unable to understand!

Mr. Venning: What about the golden handshake?

Dr. TONKIN: I am certain that many aspects of Monarto will be ventilated further in this debate. When one reads through the report in the *Advertiser Saturday Review* it is almost as funny as the fatuous report that appears on the other side of the paper, which shows a photograph of the Premier smiling about his Budget success, with the caption "Good reason to smile". They are both fatuous and quite ridiculous.

The Kent report is supposed to be the basis for the re-think that the Government has had on planning. A comparison of how these forecasts relate to the Government's own population forecasts for each year whilst in office as shown by published reports in year books and so on, will make interesting reading. Can the Government really claim to be surprised by the Kent report findings? That is what the article implies, but of course the Government cannot make that claim. It knew what was happening and had known it for some years. It has been trying to cover it up.

The Borrie report and the Premier's Department's own forecasts in 1975 have now been confirmed by the Kent report. I have a statistical table that covers population projections from various sources, over several years, and I seek leave to incorporate this in *Hansard* without my reading it.

Leave granted.

POPULATION PROJECTIONS

	1962 Metropolitan Development Plan		MATS Plan Adelaide	Census	A.B.S. Inter-Censal Estimates		Borrie Forecasts		Premier's Department		Kent Report
	Total S.A.	Adelaide '62	May '69		1975	Year Books	Pessimistic	Conventional	June '75	1976	
5-Yearly Intervals—											
1961	—	624 000	—	659 146	—	—	—	—	—	—	—
1966	—	728 000	—	771 561	—	—	—	—	—	—	—
1971	—	843 000	—	842 693	—	—	—	—	—	—	—
1976	—	967 000	974 000	922 000	—	—	—	—	—	—	—
1981	—	1 099 000	1 166 000	—	—	—	905 500	932 000	965 000	950 700	—
1986	—	1 238 000	1 241 000	—	—	—	—	—	1 016 000	1 002 500	—
1991	—	1 384 000	1 401 000	—	—	—	957 000	1 022 200	1 062 000	1 051 500	—
1996	—	—	—	—	—	—	—	—	1 100 000	1 096 900	—
2001	—	—	—	—	—	—	983 400	1 096 900	1 129 000	1 138 800	1 138 000
During Office—											
1969	—	—	—	—	—	808 600(70)	—	—	—	—	—
1970	—	—	—	—	821 150	825 400(71)	—	—	—	—	—
1971	—	—	—	—	—	—	—	—	—	—	—
1972	—	—	—	—	849 300	—	—	—	—	—	—
1973	—	—	—	—	862 300	868 000(4 & 5)	—	—	—	—	—
1974	—	—	—	—	879 500	885 400(76)	—	—	—	—	—
1975	—	—	—	—	894 000	—	—	—	—	—	—
1976	—	—	—	—	—	—	—	—	914 000	—	—

Dr. TONKIN: It is obvious from an assessment of these figures that the Monarto fiasco was based on an incorrect assessment of population growth and inadequate population forecasting, and that the Government and the Premier were well aware of this while they continued to promote Monarto and neglect the metropolitan area. They knew very well what was happening, and what the population projections and actual trends were.

The very premise (that is, the continuing sprawl of the metropolitan area) that they put forward for the establishment of Monarto was brought about by their own mismanagement and neglect. They then compounded the issue by wasting the money, which should have been used to correct the situation in the inner metropolitan area, on the development of Monarto, in spite of the known population trends. The report of the Priorities Review Staff on the Borrie report makes interesting reading. That staff report was instigated by the Whitlam Government. The document showed clearly that the Borrie report believed that no basis existed for the establishment of regional growth centres, as opposed to the development of already existing urban centres. Basically, the report of the Priorities Review Staff, in an important part, states:

In so far as the regional growth centres are intended to provide a wider choice of lifestyles, there already exists among Australian cities and within them a wide range of choice of lifestyles (e.g. by location, climate, amenities and density of living).

The report then dealt with the Borrie committee's analysis showing the powerful pull of the coast. Finally, the Priorities Review Staff report stated:

The benefits from giving growth centres priorities with regard to public spending are at best questionable. Improvements in the environment of major urban areas, especially in the capital cities, would tend to weaken the attraction of growth centres and also their rationale.

With growth curtailment, the need for a regional centre such as Monarto was questioned, but still the Government pushed on regardless. That whole question has been very badly managed. In my view a public inquiry into the whole sordid business of Monarto should be conducted (not that it would prevent any of the damage that has been done, because it is too late for that) to ensure that such a wicked waste never occurs again. Even the State Planning Authority was taken by surprise when Murray New Town was first proposed. In a document released by that authority entitled "Adelaide 2000—Towards a Strategy", the authority delved deeply into the various alternatives that faced Adelaide and its planners. The postscript to that document states:

Subsequent to the decision to issue this report the Murray New Town (Land Acquisition) Act, 1972, was passed. This Act authorised the acquisition by the State Planning Authority of land . . .

That passage was not referred to in the body of the report. Obviously, the State Planning Authority was taken by

surprise. In 1974, the authority published a summary of the development plan, which stated among other things, that a redevelopment and rehabilitation programme for substandard areas was beginning. Listed at the back of that report were items such as the orderly expansion of the metropolitan area, the provision of an adequate traffic and transport system, the provision of adequate open space, the provision of areas for industry and commerce, the economic provision of public services, the provision of land for public use, and a programme of redevelopment. The last item referred to is the important item. It states that the redevelopment and rehabilitation programme of substandard areas has become a framework of private and public development. All those items were referred to as being important. All of that, however, was shattered: all that development was thrown away because the money available for those objectives was poured away on Monarto. The Government, especially the Premier, ignored the chief executive's responsibility of government—to govern and manage the State in the best interests of the people of the State. Pie-in-the-sky dreams of what might be (and I am sure we all remember the glossy colour photographs that came out on the Monarto publications) are no substitute for good management. Showmanship is no substitute for good government. The livelihood and quality of life of South Australians depend very much on Government management, which in turn can be effectively provided only by the Government's having a clear concept of the State's needs and objectives.

It must have a clear understanding and a series of action programmes to improve the livelihood and quality of life of South Australians by focusing on the problems and opportunities that we know to exist, or that may emerge as time goes by. What, then, are or should be a Government's objectives? Broadly, we know that we are trying to advance the physical, economic and social development of the State. The Liberal Party's concept of planning is a management-orientated one. We believe things do not happen by themselves—that effective administration requires systematic management effort on the part of the Government to define objectives in specific terms to guide the Government, particularly in its major decision making, and to give the community some bench-marks with which to measure performance. This Government has not been prepared to do this.

The Hon. G. R. Broomhill: What does all this mean?

Dr. TONKIN: It simply means that this Government does not know what it wants and has no plans or specific objectives that it is willing to set out for consideration by the people of this State. I am not surprised that the honourable member does not understand that, because he and his colleagues have been floating along without direction, hoping desperately that the ship will end up in the right port. The individual, every South Australian, must have a clear framework in which to exert initiative, and this framework can be provided only by a flexible and systematic planning process based on a very clear concept of objectives, strategies, and action priorities. Without this, performance measurement is subjective rather than objective. We have no way of matching the performance of the Government, and if we are prepared to have the wool pulled over our eyes we can end up believing that the Premier's media performances are based on real performance rather than on pretence.

Basically, I doubt very much whether the Premier knows where he is going. In this regard, I would say that the management of this State has been left in the hands of a *de facto* Premier, the Minister for Planning. His performance has been abysmal. As a Party, we see a great difference between dreams and consciously and objectively developed planning and control processes. What are the specific objectives facing the Government in this State? Where are we going? What specific rate of growth is the Government pursuing in terms of production and employment? I ask what specific rate it is seeking, because the present rate is going backwards. How do these growth rates compare with those of the Eastern States and similar societies in other countries?

We are not advocating growth for growth's sake, but we do realise, from a planning point of view, that the livelihood and quality of life of South Australians is closely intertwined with these kinds of specific objective. There can be no adequate standard of quality of life (and the Government has not bothered to define this term for us, so that we can set about improving it effectively) unless the economic base for society is developed and maintained. We must recognise as a State that the success and welfare of our society (and that includes everybody) depend very much on the health, welfare and prosperity of our economy, which, in turn, depend on the planning performance and management performance of our Government.

This Government has no specific objectives, and so it can be said that it has no bases on which to plan. It does not even spell out objectives in relation to quality of life. For instance, what is the percentage improvement in air pollution or noise pollution that we are seeking within a given period of time? The Premier may look puzzled, but these are matters on which we should have set aims. Without a clear concept of objectives, one of the most important aspects of quality of life, job satisfaction, cannot be fulfilled, because Government decision-making becomes confused and inconsistent. People working in the Public Service and those working in business who are communicating with the Public Service are mostly rational human beings who want to know where they stand. They want to feel that the Government is being purposeful and definite in its actions so that they have the opportunity in their working lives to become purposeful, too. The Corbett committee report had much to say about this matter and the attitude of public servants, and this reflects the lack of direction they are getting from the Government of the day.

The Government has pursued an out-dated concept of planning and management. In the Government's eyes planning has been the province of the State Planning Authority. There must be an effective bridge between planning and financial management; planning processes must be linked to the financial plan of the Treasury, otherwise the fundamental costs and benefits of the Government's plans and decision-making cannot be effectively evaluated in the planning field. The State Government, in its financial management and planning processes, is probably 10 years at least behind business in the level of sophistication it has in planning control. Many initiatives are urgently necessary, including a review of the entire planning processes of the Government made on a cost-benefit basis, a complete review of planning legislation, a re-establishment of priorities, a continual review of the overall plan when it has been prepared again after revision, and a regular modification and review to keep up with population trends and economic development.

I repeat that the key words in this Government's management at present are waste and a lack of concern for people. I do not believe that the people of this State can any longer tolerate the waste and mismanagement by

this Government of the funds which they contribute and which are raised by them. It is the livelihood and quality of life that they enjoy that will suffer. For that reason, I do not believe that the people of this State have any reason to have confidence in the Government, and I believe this House should no longer have confidence in the Government, either.

The Hon. D. A. DUNSTAN (Premier and Treasurer): In the past I was not very impressed by the Leader's speech writer but there seems to have been a grave deterioration. Today we have had from the Leader a series of cliches, and some falsehoods (not too many, because he did not deal with the facts), which I will correct. As he shouted a cliche in place of any evidence he neglected to back up that cliche with any sort of evidence to support it. Apart from that there was much abstract gobbledegook which so far as I could see meant precisely nothing.

Dr. Tonkin: You've got that over with; now let's get back to the motion.

The Hon. D. A. DUNSTAN: I will certainly deal with the motion and I assure the Leader that I will deal with it much more effectively than he has done. It is plain that the Leader apparently has no idea of what has happened in the planning processes in South Australia since 1962. If he did know anything about the history of the development of planning here he has either carefully forgotten it or hopes other people have done so. Clearly, he did not know what was the effect and purpose of the 1967 Planning and Development Act. Let me tell him.

In 1962, we had a plan put forward by a town planning committee that had been set up by the Playford Government. The plan for metropolitan Adelaide was published. It was a pretty document and it cost a lot of money at the Government Printer. It had absolutely no force in law, and there was no planning legislation under a Liberal Government in South Australia except a rudimentary control of the shape of land subdivision for which Mr. Hart, as an officer then in the Registrar-General of Deeds office, was responsible. There was no general planning law in this State at all, and the urging of the South Australian Labor Party that force must be given to the plan was ignored by the Playford Government. At the 1965 election, but also in 1962, there were no propositions from the Playford Government for enactment of legislation to give force to the plan. We were elected on a policy to bring the plan into force, and that action was taken immediately we took office. We promulgated a series of regulations under the old inadequate Act in order to try to preserve areas which had been set aside for specific land uses under the 1962 plan and which were being developed contrary to that plan with the approval of the previous Minister in charge of that department (Attorney-General Mr. Rowe), who had given planning approval, had allowed planning approval, for specific areas of Adelaide that were supposed to be preserved under the proposals in the 1962 plan.

There were certainly no provisions, until we brought them into effect, that would provide the kind of land use controls that were outlined in the 1962 plan. We eventually put legislation through this House to set up the State Planning Authority and to provide a two-tier system of planning in this State. That was done after investigation of all the planning laws of the other States, and it was acknowledged at the time we brought in the 1967 Planning and Development Act that that was the most up-to-date planning legislation in Australia. It was a two-tier rather than a three-tier system, which had been used elsewhere, and it provided for a significant input at the local level, particularly through local government, in planning procedures, and it provided flexibility through the provision of supplementary development plans. A number of supplementary development plans have, of course, been made and passed.

Mr. Mathwin: Rubbish!

The Hon. D. A. DUNSTAN: The honourable member obviously does not know. There are only two specific things to which the Leader referred in the whole of his speech as evidence for all that he said about the waste and neglect of inner suburbs. He asked, "What has happened to the Kensington and Hackney redevelopment plans, which were evident at the time I was campaigning in Norwood." That is some time ago. The honourable member did not do terribly well in that campaign, and since that time it is obvious that he has not paid any attention to the district. I will tell him what has happened to those two plans. The Kensington redevelopment proposal was put to the Kensington and Norwood City Council but was never promulgated by that council as a supplementary development plan because of the opposition to the plan by local residents. That opposition was on two scores: that it was interfering with the local rights of residents and the amenities of the area and that it was providing a high density, high rise redevelopment to which they were opposed.

The Planning and Development Act takes account of the objections of local residents. In actual fact, the local residents in Kensington are still involved in a planning committee about the redevelopment of their area, right now. They have proposed a completely contrary proposition to that plan. In relation to the Hackney redevelopment, however, a supplementary development plan was proposed and was adopted. It was adopted after what became a model process for redevelopment planning for the whole of Australia, in that a local body was set up consisting of the Housing Trust, local residents, the council and independent consultants who prepared the basis of the supplementary redevelopment plan in which they rejected the high rise redevelopment proposal, which apparently the Leader thinks was good. Now the Leader says nothing has happened there since—that is quite wrong. What has happened is that, in accordance with the supplementary development plan, the Housing Trust has acquired a number of properties, some of which have had to be demolished, as was proposed in the supplementary development plan, and some of which have been renovated, and renovated extremely well. They are very desirable places. The vacant land created by the demolition in accordance with the supplementary development plan is currently being built on by the Housing Trust, but the Leader obviously has not been there to look.

The redevelopment of that inner suburban area is taking place in accordance with the plan and with the involvement in planning of the local residents, with amenities proposed by them. The Leader has said that nothing is happening, but he obviously does not know. He did not cite a single other area, and he carefully did not say anything about what has happened in the city of Adelaide, except that there has been some decline in population. He did not point out that we went through a whole new planning process in relation to the city of Adelaide out of which has come a new planning body for the city. In addition, in order to counteract the flow of population out of the city of Adelaide itself, we have taken governmental action in accordance with the plans now adopted for the city of Adelaide. We have provided Housing Trust

redevelopment within the city, plus Housing Trust purchase and redevelopment of houses within the city area, retaining the population and providing improved houses for the people within the city.

The Hon. R. G. Payne: Greatly sought after, too.

The Hon. D. A. DUNSTAN: Yes, they are.

Mr. Jennings: Has he heard of the Box Factory?

The Hon. D. A. DUNSTAN: I think that the Leader has heard of the Box Factory area and its development, but he chose not to refer to it. Regarding inner suburban redevelopment, the planning process has been worked on the basis of our consulting local residents' associations and preparing plans steadily for particular areas. Fortunately, we do not have in Adelaide great areas of urban blight such as existed elsewhere, even where we thought that we had them, because the Hackney area for instance was in the 1940 report. It has been proved by the action of local residents that there can be considerable rehabilitation of those areas without our declaring them redevelopment areas under the Housing Improvement Act and simply rasing everything in sight to the ground. That can be a very much better planning process. If the Leader does not think that planning is going on within inner surburban areas, he has not paid any attention to what has taken place in Kensington and Norwood, the preparation of the plans, and the involvement of the residents in them. The Leader said that we had not been doing anything about transport planning, but that is not true. Apparently, he has not heard about NEAPTR, which is now accepted throughout Australia as being one of the best examples anywhere in Australia of modern effective planning with community involvement. Obviously enough, that does not suit the Leader. He then went on with a great deal more about waste and neglect, which he did not specify.

The Hon. Hugh Hudson: He repeated it often.

The Hon. D. A. DUNSTAN: Yes, in place of any evidence. He then asked how plans could go astray if planning had gone on effectively. Planning has gone on. We agree that, after 10 years of the Planning and Development Act, there should be a revision of it, because, during that time, obviously enough some deficiencies in legislation that is widespread in its effects as is this legislation must become evident.

The Hon. G. R. Broomhill: We started with nothing.

The Hon. D. A. DUNSTAN: Yes. It was innovative legislation for South Australia, ahead of all other States, and we intend to keep it that way. From the Leader's speech one would think that, somehow or other, by introducing some completely unspecified management technique, one could get rid of the difficulties involved in urban planning. Obviously, he knows nothing about it. The actual techniques of planning have changed significantly since the 1967 Act was introduced, and that was evident in the planning we did in conjunction with the City Council in relation to the city of Adelaide. Instead of getting projections of simple land use, what we have to do is provide now for a series of flexible trends and have objectives for specific precincts rather than set regulations on prohibition of specific forms of land use. That is an extremely complex process, and the way in which it can be used in relation to private land development, to which Mr. Hart's inquiry is directed, is something with which that inquiry will have to deal. To say that Mr. Hart is unable to deal with it, after all his experience in this area, is complete nonsense.

Then the Leader said, "Well, the spread of urban development in Adelaide has caught the Government by surprise." What evidence has he for that statement? The fact is that the 1962 plan forecast and anticipated a low density spread. It is true that the Government, as it was in duty bound, has examined alternatives of high or medium density to ascertain whether that would be a feasible proposition for some developments in Adelaide. We have rejected high density development. I do not know whether that is what the Leader is proposing but, if he is proposing it for Adelaide, as it would seem he is, that we develop in Adelaide the horrors that exist in Carlton, Debney's Paddocks, and Hotham, in Melbourne, he will not be going along with—

Dr. Tonkin: I did not say that.

The Hon. D. A. DUNSTAN: Then what is the Leader's alternative? If he does not have a low density spread, what is his alternative? The Government is pursuing medium density, and that has happened in the development of households. The Leader has referred to the fact that population in inner areas has fallen. So it has, and it did before 1965, but the creation of households in the inner suburban areas has not fallen. That is the situation we are facing. The social development of Adelaide has meant that the nuclear family development has been the main one, and that has meant a proliferation of households. It means a fall in population in the inner suburban areas to cope with it. That was not something that surprised planners or the Government: we expected it.

Dr. Tonkin: You said it did: it's in the article.

The Hon. D. A. DUNSTAN: Nonsense.

Dr. Tonkin: The article is nonsense?

The Hon. D. A. DUNSTAN: No, the Leader is the one saying that the article is nonsense. I am not saying to the press of Adelaide that they have written a fatuous article about planning in South Australia. What I am saying to the Leader is that his speech is utterly fatuous, hopelessly ill-informed, and hopelessly ill-based, because he could produce no evidence for the extraordinary cliches that he introduced, and he could not even get his cliches right.

The Hon. Hugh Hudson: And he split an infinitive in the motion, too.

The Hon. D. A. DUNSTAN: Well, I do not know what sort of building he goes in for but, if he whitewashes over cracks, I cannot see that he will do terribly much to them.

Members interjecting:

The SPEAKER: Order!

Dr. Tonkin: Well done.

The Hon. D. A. DUNSTAN: The Leader also said that, in order to establish the bricks and mortar and services in Monarto, we had deprived the inner suburban areas of money for development. Completely untrue. What projects for inner suburban redevelopment has this Government failed to undertake? The projects for inner suburban redevelopment have to be the subject of supplementary development plans, which are to be advanced by the local government authorities, and they are assisted by a subcommittee of the State Planning Authority when they require assistance. What proposals have come forward? We have consulted local people about the desirability of inner suburban redevelopment. What did the Leader's own residents association in Rose Park propose about redevelopment there? What did the residents association in Unley have to say about it? What areas did any residents association cite for further redevelopment of the kind that can be carried out under the Housing Improvement Act? Where are those proposals, and what are the Leader's proposals for inner suburban redevelopment? What needs to be done regarding inner suburban redevelopment is the steady

development of plans for rehabilitation areas largely in conjunction with local councils, but that is proceeding: it is certainly proceeding in my area.

What is all the money that has been spent by the State Government on Monarto being used for? That does not amount to very much to date. I do not know what the Leader is talking about. We have not been able to let contracts for the head works at this stage. The suggestion that we should not have made provision for Monarto in future runs completely counter to the recommendation made by every body established by the Hall Government for this purpose. Let me draw the Leader's attention to the proposals. The Committee on Environment in South Australia was appointed on February 20, 1970, by the Hall Government. The member for Mitcham and the member for Torrens were Ministers in that Government. The committee was to inquire into and report on all aspects of pollution in South Australia, including pollution of land, sea, air and water, and on all matters and things associated therewith, and to submit recommendations to the Government of South Australia as to any action considered necessary to retain, restore or change the environment in the State so that the life of the community is improved and not impaired. That committee is now known as the Environmental Protection Council because of the provisions of the Environmental Protection Act. On May 27, 1976, the council reported as follows:

The importance of restricting the area covered by metropolitan Adelaide to, or near to, its present area and developing Monarto to accommodate the increase in the metropolitan population has been discussed in detail on several occasions by the Environmental Protection Council during its deliberations on the progress of the Metropolitan Adelaide Planning Study. The council wishes to draw to your attention its continuing endorsement of recommendation (1) of the report of the committee on environment—

that was the committee—

that:

> Planning for at least one and preferably two major cities to have a population of about 250 000 each by the year 2000 should be commenced now. Such planning should be on a total basis, involving not only broad planning of the city itself with areas for industrial, residential and recreational purposes, but also the planned decentralisation from Adelaide of both secondary and tertiary industry. Some Government departments should in part be transferred and tertiary education institutions should be developed in one of the towns. Implicit in this recommendation is the belief that a very serious attempt should be made to restrict the population of Adelaide to about 1 000 000.

The population of Adelaide is already 914 000. The report continues:

The council appreciates that in determining the size of any metropolitan area three variables are involved, the area covered, the size of the population, and the density at which the population lives. Of these factors that which is most directly under Government control is the total area of any city and the Environmental Protection Council, therefore, recommends that:

(1) every effort should be made to contain the size of metropolitan Adelaide to, or near to, its present area; and

(2) the development of Monarto should continue at the fastest practicable rate.

The Environmental Protection Council has noted with concern some recent criticism of Monarto and strongly recommends that you make this expression of its support for Monarto available to the public and the press.

The Liberals own proposals in relation to planning, of course, resulted in the Environmental Protection Council's saying that, and the council has continued to support the provision of Monarto as essential to the environment of Adelaide. The Leader then went on to say that we had, in fact, because of the expenditure of between $8 000 000 and $9 000 000 of State Government money (because most of the Government money for Monarto came from the Federal Government)—

Dr. Tonkin: Then it has not come from our taxpayers, I suppose, has it?

The Hon. D. A. DUNSTAN: It would not have been available for alternative spending in South Australia. If we had not spent it on Monarto we would not have got it.

Dr. Tonkin: So that makes it all right.

The Hon. D. A. DUNSTAN: The Leader cannot have it both ways. He said that money which could have been spent in outer suburbs was spent on Monarto. He cannot be referring to Federal Government money, because no money was available from the Federal Government under area improvement programmes for the outer suburbs in that way.

Dr. Tonkin: You didn't ask.

The Hon. D. A. DUNSTAN: Of course we did. We approached the Federal Government on area improvement programmes, but the Leader does not know what has been happening in the outer suburbs, either.

Dr. Tonkin: How about the inner suburbs?

The Hon. D. A. DUNSTAN: I have dealt with the inner suburbs. I am now dealing with what the Leader said about the outer suburbs. Obviously, he does not want to listen, because he does not want to know about the outer suburbs. He does not know about the inner suburbs. Apparently he does not even travel through Rose Park. When it comes to the outer suburbs, apparently the Leader knows nothing about what has happened to the development of the regional centre at Noarlunga. Does the honourable member really suggest that this Government has done nothing about transport, education, and town centre facilities in the outer suburbs of Adelaide?

Dr. Tonkin: Even local government has said it has been very slow.

The Hon. Hugh Hudson: You've spoken once, and you'll get your chance to reply. Why don't you extend a bit of courtesy?

The SPEAKER: Order!

The Hon. Hugh Hudson: He didn't interject on you.

The SPEAKER: Order! The Minister of Mines and Energy is out of order.

Mr. Venning: I'll say he is.

The SPEAKER: And so is the member for Rocky River.

The Hon. D. A. DUNSTAN: Obviously, the Leader is prepared to wipe away what has been happening in Government expenditure in the outer suburbs of metropolitan Adelaide, where very heavy Government expenditure has occurred on the provision of facilities. The members representing outer suburban areas know that very well. They, of course, happen to be Labor members. They have got a good go for their areas, too.

Dr. Tonkin: Is that why you are leaving out the inner areas?

The Hon. D. A. DUNSTAN: The outer metropolitan areas of Adelaide have got better deals from this Government than the outer suburban areas of Melbourne and Sydney have got from Liberal Governments. In the outer areas of Sydney and Melbourne there is nothing like the facilities available in the outer suburbs of Adelaide. The Leader talked about sewerage; that was one thing he mentioned. Our outer suburbs are much better sewered than are the outer suburbs of Melbourne and Sydney.

Dr. Tonkin: What's that got to do with it?

The Hon. D. A. DUNSTAN: The Leader says we have been neglecting those areas. Let us contrast the situation that happens under Liberal Governments. The Leader says we would have done better under some management plan. Let us go back in history for a moment to see what they would do in relation to planning. The Leader did not deal with the history of this matter. He should remember it, because he was involved in the 1968 election campaign (not successfully, but he was involved in it). He should also remember what happened immediately afterwards. We had established in 1967 the State Planning and Development Authority. That authority had a development fund, and it also had provision for a special committee on inner suburban redevelopment. The Hall Government paid no moneys into the development fund for the two years of its office, and in addition it reduced the staff so that no staff was available for the inner suburban redevelopment plan.

That is what happened with Liberal planning for inner suburban redevelopment. The Liberals shelved the Hackney redevelopment proposals completely, but they did, of course, talk about going on with the Metropolitan Adelaide Transportation Study plan. Their projections and proposals for Adelaide were to have cut up this city with the most grossly wasteful series of public freeways imaginable. That plan would have wrecked Rose Park and Norwood. Nothing would have been left effectively socially of the inner suburban areas in the eastern area of Adelaide. It would have made a complete mess of Hindmarsh. It would have run freeways through the centre of the south-western suburbs, which would have wrecked North Adelaide.

The Hon. Hugh Hudson: That was their plan.

The Hon. D. A. DUNSTAN: That was the plan, the projection under the magnificent management programme of the Liberal Party. Liberal members said how terrible it was that we would not go on with the MATS plan, and since that date we have concentrated on upgrading the arterial road system, not going in for freeways. Not having gone in for freeways has been proved a very wise management decision for metropolitan Adelaide. We have saved millions and millions of dollars, and we have saved amenities for Adelaide which would have been wrecked had the Liberal plans gone ahead and had Adelaide been converted into the kind of mess that American cities that have adopted such plans are now trying to get out of. The honourable member, after that record on the part of his Party, has the gall to come in here with this pastiche of idiot cliches, parroting "waste and neglect", without a scintilla of evidence, and suggesting that he is going to persuade the public. He will not persuade the public any more than he has persuaded the press.

Mr. GOLDSWORTHY (Kavel): It ill behoves the Premier to talk about dramatic performances. That was one of the best I have seen for some time, even from the Premier—and that is saying something. We had the gestures, the words, the pastiche, the works. The fact is that the record of the Government in planning has been pathetic. I notice that the Premier stayed very wide of getting into the question of Monarto in any depth at all.

Dr. Tonkin: I think he mentioned it only once.

Mr. GOLDSWORTHY: He mentioned it once. He went in for the sort of statement with which he regales us from time to time: "We are the greatest." I think I can quote him correctly. "The Hackney redevelopment scheme is a model for the rest of Australia," he claimed.

Dr. Tonkin: How about the transport investigation?

Mr. GOLDSWORTHY: He said that the NEAPTR study was the best in Australia. All I know is that it cost $300 000, and that nothing has flowed from it yet. The Premier is long on such claims, but he is not long on evidence of efficient planning and spending of Government moneys in South Australia. He steered well clear of Monarto. He made the point that, in effect, it did not matter very much about Monarto because it was not our money. The Leader was suggesting that resources could have flowed into other areas of South Australia rather than into Monarto, and the Premier said that, as it was Federal Government money, it would not have been available for other purposes. Some of it would have been available to South Australia. We cannot sneeze at $20 000 000 going down the sink, whether it is Federal Government money or State Government money. The Premier completely neglected to mention that salaries for the Monarto commission were approaching $1 000 000 a year at the time the Government decided to wind up the project.

Dr. Tonkin: To defer it.

Mr. GOLDSWORTHY: Defer it! We know what the situation was. To suggest that this can happen because it was Federal Government money is a complete abdication of financial responsibility. We have seen it happen on a much lesser scale in the past week or so, when the Government was trying to shuffle off its responsibility in relation to a women's shelter: it said that it was Federal money. The State Government, in co-operation with the Federal Government, has a responsibility to see that the taxpayers' funds in this State and in this country are not wasted.

The debate has been shortened by the Government, and my colleagues have things to say in specific areas in relation to the debate, so I shall be brief. I am concerned about one or two planning and financial matters. I do not believe that the taxpayers of South Australia are getting value for the money being spent by Government instrumentalities. I will depart from the immediate area of the responsibility of the Minister for Planning. One thing is abundantly clear: the Premier has made much play about this new development plan for the square mile of Adelaide but he has not had much to say about the population trends, of which I believe he was well aware some time ago. He talks about the great things happening in Kensington and Norwood but he does not say that there has been a 13 per cent drop in the population of that area in five years. He does not come to grips with the fact that the older suburbs surrounding Adelaide deteriorated and decayed quickly during the term of office of the former Minister for Planning. One of the heavies in the Government has now been made Minister for Planning to try to salvage the wreck.

I believe that the Government has much more thinking to do about the long-term planning of the activities of the public sector involved in the development of South Australia. Alarming trends have become evident in relation to population in South Australia, yet we still find a massive transfer of resources from the private to the public sector, as evidenced by the public sector growth, which far outstrips the growth in the other States of Australia. In my view we are creating massive problems in the long-term economic planning of this State for future Government, whatever may be the complexion of such Governments. I do not believe we are getting value for the taxpayers' dollar. I believe there is a lack of direction. There is the basic underlying socialist philosophy that Governments can do things more adequately than can

private enterprise. We reject completely that socialist theory but we know what is happening in Government departments where major constructing forces are being gathered together, and the way in which work is being done by the weekly pay labour force of the public sector that I believe could be done more effectively by the private sector, where accountability is to the fore.

The Little Para dam and the filtration plants are being constructed largely by weekly pay labour, and the Christie Downs railway was built largely by the labour force of the Engineering and Water Supply Department. What cost-benefit analysis has been undertaken by that department to find out just what is the cost to the taxpayer of having a large permanent force to do work that could be done by putting it to tender in the private sector? I am saying that I believe much more could be gained with the taxpayers' dollar in South Australia if competitive tendering was used by the Government for its major construction projects. The fact is that 90 per cent of the work done for the Melbourne and Metropolitan Board of Works is done by private contractors, and in South Australia more than 80 per cent of Government construction work is done by the Government labour force.

I believe a cost-benefit analysis should be done on the trends occurring in the area of Government activity in South Australia. One effect on the Budget of this State of this tremendous transfer of resources to the public sector is that within five years, with a 3·2 per cent increase in personnel in the Government sector (a smaller increase than has occurred during the term of the Labor Government in South Australia) and a 6·5 per cent increase in wages annually, there would be a 59 per cent increase in the State Budget. If there were no increase in personnel in the public sector and a 6·5 per cent increase in wages, there would be a 36 per cent increase in the State Budget in five years. The effective saving to the taxpayer would be $168 000 000. There is no coherent long-term plan—

The Hon. Hugh Hudson: Are you advocating zero growth of the Public Service?

Mr. GOLDSWORTHY: In some areas I would be advocating a diminution, and it would not be by sacking people. I would also be advocating a stimulation of the private sector in the construction area. I would be advocating a policy of wastage, wherein people leaving the service would not be replaced. I am not advocating for a moment that we would sack people. We would advocate a policy of transferring resources back to the private sector in this State and away from the Government sector largely in those areas where efficiency must be proved in the private sector. There is ample evidence that there is inefficiency in the public sector. The public does not need much convincing that that is so. This is not a criticism of any individual employee. I am referring largely to the management situation, particularly with the larger Government departments and constructing bodies. In 1974, in his annual report the Auditor-General states:

Last year I stated that I was not satisfied that the principles of real budgeting were appreciated or practised in some departments. To illustrate my contention, appropriate comments have been included following the financial statements of certain departments in this report. I consider that a prerequisite to financial budgeting is a clear definition of the objectives and functions of each section of a department, together with the preparation of plans setting out performance targets approved by the head of the department in accordance with Government policy.

In 1975, in his annual report the Auditor-General states:

For the past two years my report contained comments which were critical of the financial administration of certain departments, and I contended that real budgeting principles were not appreciated or practised in some departments.

There is clear evidence that the taxpayers in this State are not getting value for money. In his 1976 annual report, the Auditor-General states:

As shown above total payments from Consolidated Revenue and the Loan Account for the year were $1 306 000 000. When one considers that the whole of that amount has been or will be provided by the public through taxes and charges, whether levied by the State or the Commonwealth, it is clear that a serious responsibility must rest on those who have the authority at various levels to expend public moneys. It is essential that the nature and extent of this responsibility be properly defined so that accountability can be determined.

I believe that accountability exists by the very nature of competition in the private sector, and those pressures are not there for it to exist in the public sector. The Corbett committee report at page 151 states:

Much of the service, however, gave us the impression that it was not concerned with efficiency at all. We have found too many examples of work being done where no form of efficiency or productivity control whatsoever was in existence, and some of the work we have seen being done, at what level of efficiency no-one knows, should in all probability not be done at all.

That is saying that work that should not be done is being done. I know of young fellows who are training in the public sector and who come along and say, "I have nothing to do", and they are told to "Disappear, go round the corner, have a smoke, sit down". That would not happen in the private sector. The report continues:

We need hardly add that this state of affairs is invariably known to the officers doing the work and the effect on their morale and on the morale of whole groups of people is bad. Too many people at management level seemed quite satisfied to rest in the belief that the work of their department was quite beyond any form of measurement or control. While undoubtedly there will be areas of work in the Public Service which would defy work measurement, it is also true that work study (of which work measurement is one part) is finding very wide application indeed in Public Service work. What is needed in South Australia, in the opinion of the committee, is an increased awareness of its possibilities.

This is the sector that the Government is seeking to enlarge to record levels. We know perfectly well what is the Government's attitude to trying to increase the efficiency and accountability in this State. I can mention, as an example, the activities of the Public Accounts Committee. People on this side had tremendous hope for the activities of the Public Accounts Committee—I believe the Auditor-General did. How long is it since we have had a report from the Public Accounts Committee? An attempt was made to muzzle the committee in the first instance. It was a committee of this House charged with the responsibility of increasing efficiency in and accountability for public expenditure.

Mr. Venning: What happened?

Mr. GOLDSWORTHY: The Government tried to throttle the committee.

Mr. Venning: I'll say it did.

Mr. GOLDSWORTHY: This Government has a great deal to answer for in the areas of planning and financial responsibility. For those reasons, I gladly support the motion.

The Hon. HUGH HUDSON (Minister for Planning): When it was announced publicly that the member for Mitcham had written to the Leader of the Opposition seeking the Liberal Party's support in a motion of no confidence in the Government on the question of Monarto, it was fairly obvious that the Leader of the Opposition and his colleagues would have to do a soft shoe shuffle

quickly, once again. Of course, they did, but the consequence of this has been that we have had a motion presented to this House and have heard two speeches that have had nothing whatsoever to say about planning or the problems associated with it. The speakers demonstrated the fact that the member for Mitcham caught them unprepared, once again, and without having done their homework.

Mr. Gunn: You are admitting by that statement that there are great deficiencies in your planning. You have nothing to offer; it is a clear admission.

The SPEAKER: Order! The honourable member for Eyre is out of order.

The Hon. HUGH HUDSON: I would not attempt to answer that, because it involves one of the typical misrepresentations of remarks that are made in this House. The Leader of the Opposition stated that the Opposition had done 12 months work in investigating and inquiring into the planning system, but we have heard nothing about it. All that has come out is, as the Premier has said, a lot of cliches and a lot of wind, no constructive comments whatever, and no policy. We have heard a continuous repetition of generalisations about waste and neglect, but nothing else.

Mr. Gunn: We have to tell them what to do.

The Hon. HUGH HUDSON: The honourable member for Eyre is carrying on in the same way. He is one of those members who would know even less than nothing about what was involved in the whole planning exercise.

Mr. Gunn: You sacked one Minister.

The SPEAKER: Order! The honourable member for Eyre is out of order.

The Hon. HUGH HUDSON: We have had comments from the Leader that in some sense, because the population in the outer suburbs has expanded and the population in the inner suburbs has declined, that means that the Government has failed. Honourable members who are aware of their facts know that that process went on for very many years prior to 1965, before the Labor Party ever came to Government in this State. While we are on that general subject, what was the position with development and development control prior to 1965? Was there any guarantee that new houses were built with the provision of proper services? No. House after house was built in Adelaide at that time without the provision of water, often without sewerage, without kerbing or guttering, and without the provision of public facilities. When a school was provided it was without any community facilities, without any development of grounds, and without any ovals. That was the score. Furthermore, at that time did the development taking place in new areas have land provided for recreation purposes? No. The suburbs that developed immediately after the Second World War in Adelaide were developed without stormwater drainage, without the provision of proper and adequate facilities for housing, often without adequate community facilities, and without recreation space. That was the record previously.

Mr. Coumbe: When was Elizabeth started?

The Hon. HUGH HUDSON: That was the record previously, and I am talking about the suburbs of Adelaide and what happened in location after location under the so-called brilliant rule of Sir Thomas Playford. That was the score. Schools were built with just buildings: nothing was done about the grounds. No recreation areas were set aside in new suburbs, and there was no open space requirement. So far as newer developments are concerned now, the position has dramatically altered. In saying that, I do not want to be taken as saying that I or the Government are in any way satisfied with the current position. Self-satisfaction in Government is a feeling that one should do without, because there is always room for improvement. When one compares the situation with what applied prior to 1965, one sees that new housing is provided with roads, kerbing, guttering, the necessary services, and designated open space, and that new schools are provided with some community facilities associated with them. Again, there are not enough, but they are provided with development of their school grounds under way. Under the old Liberal Party regime, any ground development at a school was the responsibility of the parents. Some schools had to wait for years before anything effective happened. There had been, therefore, very substantial improvements in the system of development control that has developed as a consequence of the 1967 Planning and Development Act. I do not think that any member can deny those improvements.

Mr. Hart's inquiry is into development control procedures in relation to private development. It is an inquiry into the methods that the community applies to determine whether any particular development proposition that involves rebuilding, building, or changing the form of a particular area should or should not go ahead. Inevitably, any development proposition implies conflict. That is in the nature of the situation: somebody is in favour of the proposal, and there will always be conflict, if not about the proposal at least about the way in which it is to be carried out. The developer will often want to minimise his costs and may, as occurred prior to 1965, make inadequate provision for stormwater drainage. However, the community wants to be able to say on behalf of others who have to bear the costs and consequences, "We should be able to require appropriate standards." The development control procedures are the community's methods of resolving these conflicts that exist about development proposals. These methods are complicated, because many matters have to be considered before any development application is approved, and they are often made more complicated by the endeavour to protect private rights to enable appeals and further consideration of a particular decision to take place.

The methods adopted in resolving these matters are the basic devolopment control procedures, to which Mr. Hart's inquiry is directed. How can they be improved? How can they enable an effective method of resolving conflicts over development control in the overall interests of the community without creating any unnecessary bureaucracy or imposing unnecessary delays and costs on development? How can we develop a more commonsense system that gives us the kind of results we want overall as a community but avoids unnecessary bureaucracy, delays or unnecessary costs? That is what it is about. Mr. Hart is more knowledgeable than anyone else in the State about existing procedures that apply in the field of development control. He is, as the Leader has said, a man of integrity and competence. To suggest that he is not capable of undertaking in a fair-minded manner an inquiry into development control procedures is obvious nonsense, and it simply cannot be sustained by the Opposition.

I turn now to the question of population change, because the Leader and the Deputy Leader both made stupid points in relation to this matter. When the Leader's children grow up they will leave home either because they form other households by getting married or because they will move into other accommodation, thus forming other households. One way or the other, one can predict, with confidence, that the number of members in the Leader's

household in the next 10 years will decline. In an area that contains a large number of families with heads of households of the Leader's age, the same process will be going on. It is perfectly possible for the number of people living in an area to decline, even when there has been no change in the number of households. That fundamental fact has operated within the inner suburbs of Adelaide. True, in the city of Adelaide itself, the number of households for many years (certainly since after the First World War) has declined. Apart from that, a long-term trend was reducing the number of people to each household. Fundamentally, that latter fact has led to the largest part of any decline in population in the inner suburbs of Adelaide. It is all very well for the Leader to say, "It's the Government's fault," but what would he have the Government do to prevent that decline? Does he say that we should have massive redevelopment? Is he going to be in favour of the bulldozing of large areas, and redevelopment with medium density or high rise? Is that Liberal Party policy? If that is not its policy, will the Leader please tell us what is his Party's policy and what he would have done over the past 10 years to prevent that decline in population in the inner suburbs which carried on the decline in population in the inner suburbs and in the city of Adelaide that occurred under previous Liberal Governments when Sir Thomas Playford was Premier?

Regarding the rehabilitation of old houses, this Government has done more than has any other Government in our history. Until a few years ago, there was no policy on the upgrading of old houses, whereas over the past few years the Housing Trust has regularly purchased houses each year throughout the metropolitan area (more frequently in the older suburbs) and has upgraded them as a means of preserving the housing stock and as a means, in relation to the trust's special rental programme, of ensuring that people under some kind of financial disability were spread throughout the metropolitan area and not concentrated in one or two suburbs. That programme is now moving towards the total of 1 000 houses having been purchased and upgraded by the trust. There is no equivalent example elsewhere in Australia of that kind of development. The Leader quoted the figures contained in last Saturday's press report of the percentage population change in various municipalities as if this was something of great surprise to anyone in the planning field. These population changes had, to a significant extent, been forecast by previous studies. Furthermore, the proposition that Adelaide has not got the expected population growth to expand its size is incorrect.

One of the present difficulties is that the expected population growth and number of households, on the latest revised figures, still make it an open question whether or not Adelaide can be contained within the 1991 boundary. What does the Leader say? Does he say that we should have another Metropolitan Adelaide Development Plan and extend the areas marked pink on the map so that Adelaide can expand still farther? If he does not say that, what are his policies to prevent encroachment beyond the 1991 boundary? What are the Liberal Party's policies which, he said, the Party had been studying for a year? If the result of that year's study is the Leaders and the Deputy Leader's speeches today, they have failed abysmally.

Dr. Tonkin: You've made a tremendous mess of it.

The Hon. HUGH HUDSON: That is the only statement the Leader has been capable of making all afternoon.

Dr. Tonkin: It's a pertinent one.

The Hon. HUGH HUDSON: It is not even correct. There are no facts with which he can back it up. It is continuous repetition of the statement in the hope that, if one repeats it long enough, someone will believe it.

Dr. Tonkin: Let's hear about Monarto.

The Hon. HUGH HUDSON: I shall come to that matter in my own time.

Mr. Dean Brown: The Premier missed it as well.

The Hon. HUGH HUDSON: He did not.

Dr. Tonkin: Yes, he did.

Mr. Dean Brown: He mentioned the name once.

The Hon. HUGH HUDSON: That is not true, and the Leader is not telling the truth once again.

Dr. Tonkin: Come on!

The Hon. HUGH HUDSON: Although the Leader may have heard what the Premier said, he certainly could not have been listening. A fundamental problem we have with regard to metropolitan Adelaide is how to encourage medium density developments of a nature that will be attractive for people in which to live, and so contain the future sprawl of the metropolitan area of Adelaide. That is a difficult problem for which no-one has come up with a completely effective solution. The only significant medium density developments that have taken place have been those largely financed through the Housing Trust, and as the trust covers only about 20 per cent of the total buildings constructed in our community—

Mr. Evans: Is that correct?

The Hon. HUGH HUDSON: I am sorry, but it does. It covered about 2 200 completions, and that is about 20 per cent.

Mr. Evans: What about the 15 000?

The Hon. HUGH HUDSON: That was an extraordinary figure last year that cannot be repeated. Whatever the percentage of the trust, the fact is that, if the only medium density developments that take place are those through the trust, we will not get enough of them. One of the fundamental problems that exist for private developers and builders at present is that, under the minimum standards required, after suitable provision has been made for the minimum size of allotments, open space, community facilities, and a minimum width of streets, with our traditional methods of developing the best we can do is about 3½ dwellings an acre. If we continue with that sort of development, the kind of population expansion and the expansion in the number of households now forecast for Adelaide may well involve an extension of Adelaide beyond the 1990-91 boundary. Honourable members will have to consider policies and legislation that will facilitate the involvement of private capital in medium density developments.

Dr. Tonkin: It won't be a hardship.

The Hon. HUGH HUDSON: It will be interesting to know what the Leader has in mind on that subject, because he has few thoughts on anything else connected with the overall topic. One thing that must be considered in relation to strata title legislation is that, whilst it has assisted some developments in the home units field, it has not assisted medium density development in general, because no sale can effectively take place of a part of a strata title development until the whole project has been completed, as the developer cannot give title to any part of the strata development until the project is completed.

Mr. Evans: That is a minor amendment that you could introduce now.

The Hon. HUGH HUDSON: That is an amendment being considered, but it would not be sufficient.

Mr. Evans: It's a start.

The Hon. HUGH HUDSON: It is not the beginning of the whole issue: it is the first part of the issue, and would be sufficient to assist greatly stage development in certain types of town house projects, but it would not assist with cluster development proper. We need to develop a legislative scheme which is not as complicated or as difficult as that which has been adopted in Victoria in order that it will provide effective protection for the rest of the community but ensure that the developer is able to do the job with private capital. These are fundamental issues, if we are to contain Adelaide within the 1990-91 boundary, not within the present boundary. However, the Leader pays no attention to this, and does not begin to understand the issue. He has said that it is all the Government's fault that somehow there has been an expansion in population in outer suburbs and a decline in inner suburbs.

Dr. Tonkin: You haven't explained why that is.

The Hon. HUGH HUDSON: The ordinary conduct of debate does not switch the onus of proof to this side when the Opposition makes a series of unsubstantiated statements and tries to assert that they must be true because the Government has not set out to disprove them. Why should we deal with such an incredible parrot whose entire speech almost consisted of nothing but repetition of the words "waste" and "neglect", and they were repeated about a dozen times? The Leader did not give any specific examples, but if we do not disprove his charge he assumes it has been proved.

Dr. Tonkin: What about Monarto?

The Hon. HUGH HUDSON: I will come to that in a moment.

Mr. Millhouse: Why not hurry up? I don't think he wants to come to it.

The Hon. HUGH HUDSON: The Leader's interjections are designed to make it more difficult for me to come to it.

Mr. Millhouse: Well, get on with it.

The Hon. HUGH HUDSON: The member for Mitcham is peeved because the Leader pinched his great day. There was to be a motion of no confidence by the member for Mitcham, but we are not getting it and the debate has shifted to many other things.

Mr. Millhouse: Go on, say something about it!

The Hon. HUGH HUDSON: The longer the member for Mitcham carries on with this kind of discourteous approach—

Mr. Millhouse: The less you will have to say about Monarto.

The SPEAKER: Order!

The Hon. HUGH HUDSON: —the longer I will take. The forecast with respect to future population change and future households (and the percentage increase in households is greater than the percentage increase in population, because for several reasons there is to be a continuing process of a reduction in the number of persons to each household: therefore, there is a significant difference between the two) implies that between now and the end of the century there will be significant and substantial growth in Adelaide that will involve Adelaide at least getting to the 1990-91 boundary. Many people in the community would prefer that that boundary be avoided, and would prefer to avoid any possibility that Adelaide would ultimately gobble up the McLaren Vale and Willunga area. However, others in the community say that it would be better to go to McLaren Vale and Willunga and knock out that good agricultural land, and not go to Monarto. If we believe that the size of Adelaide should be contained, that the consequences for the quality of life in Adelaide are adverse with any further unnecessary extensive growth, we will see a case for Monarto. That case has been argued often in this House.

Mr. Dean Brown: When are you going to—

The Hon. HUGH HUDSON: The honourable member will get a chance to speak: he may do me the courtesy of shutting up. Monarto has been deferred by this Government only because the Federal Government has refused to give any further assistance. The reason for the refusal is the consistent sabotage of this and other projects by the Leader of the Opposition and his colleagues. Every time the Federal Government cuts back on moneys for this State, the Leader of the Opposition applauds, and he is becoming renowned through the length and breadth of the State as a stool pigeon for Mr. Fraser, taking the same line as the Prime Minister takes. The issue in relation to Monarto is simple.

Dr. Tonkin: Tell us about bicycle tracks.

Mr. Dean Brown: Why not—

The SPEAKER: Order! I will not warn the honourable member for Davenport again.

The Hon. HUGH HUDSON: I am aware that the debate started with an atrocious speech, one of the worst I have heard from the Leader, and I realise that the quality of his interjections is fully in line with the quality of his speech: inane and useless. No doubt, whatever else the member for Mitcham says about Monarto, he will give the Leader a good serve for his appalling performance here this afternoon. The Leader seemed to imply that it was wrong for there to be a further extension geographically of the size of Adelaide, and that we should shift people from outer suburbs into inner suburbs. How that could be done, he did not say. What forms of compulsion or direction of people in our community, or what sort of fascist control he would use to bring that about he did not say. The Leader does not like the extension of the size of Adelaide. The fundamental argument of people who do not like the extension of Adelaide favours the development of regional centres such as Monarto.

I make no apologies for being an advocate of Monarto and remaining such. The Government's record in this area stands up as a conscious and sensible attempt to prevent Adelaide's becoming the kind of place that the cities of Sydney and Melbourne have become. Members opposite do not believe that; they believe only in using plans to service private enterprise. The kind of argument that the Hon. Mr. Brookman used was that freeways were built so that farmers could bring their produce to market. That was why Adelaide had to be cut up with freeways. What guarantee have we got from the Liberal Party that it will not build freeways if it comes to Government? Will the Liberal Party outline its planning policies for us? This afternoon the Opposition has not revealed anything other than the vacuum that exists in the Leader's mind, an appalling vacuum that we have all had to suffer this afternoon. Regarding our planning policies, if members opposite—

The SPEAKER: Order! The honourable Minister's time has expired.

Mr. MILLHOUSE (Mitcham): Two matters prompted me to propose a no-confidence motion in the Government, both of which concerned the absolutely disgraceful performance of the Government regarding the Monarto project. It is on that project that I intend to speak. The

first of the two matters relates to the colossal waste of money on Monarto which, on the Government's own figures (given in reply to Questions on Notice) is about $10 000 000, and I—

The Hon. Hugh Hudson: You say it's a waste; we say it's not.

Mr. MILLHOUSE: If the Minister can tell me what we have to show for that money, apart from some plans that will be out of date before we proceed with the project (if ever we do proceed with it), I will go he.

The Hon. Hugh Hudson: You wouldn't know how to—

Mr. MILLHOUSE: If the Minister will contain himself I will expand my second point, which is the grave social injustice which has been done to the dispossessed farmers at Monarto and about which certainly the Government does not care a damn. In fact, I doubt whether members of the Liberal Party care a damn, either. Those are the two matters on which I intend to concentrate. I agree with the Leader about the need for an inquiry into the whole Monarto scandal. I have ascertained a few things, but I have lifted only one corner of the carpet and in the time available to me this afternoon, I will be able to talk about only a few of the matters that I have discovered. First, I will deal with the question of the waste of money. On April 5 this year, the Minister in reply to a question asked by the member for Eyre, gave the net expenditure on Monarto, to appropriately enough April Fools' Day, as $18 200 000. Those are the Minister's figures at page 3132 of *Hansard*.

The following week, on April 12, in reply to my question, "What assets does the Government own as a result, and what is their estimated value?", the Minister gave a reply that adds up to $8 900 000, which is a difference on the Government's own figures of between $9 000 000 and $10 000 000. That is the position; on the Government's own admission, we have lost that sum on the project. I therefore challenge the Minister to tell me what we have got in return for that expenditure. I do not believe that that is the full sum that we have lost. I hope I will get a reply next Tuesday to my question on that topic. I do not believe that, in that sum, has been included the full amount paid to Windsor Poultry. The Government has paid into court a little more than $1 000 000 for Windsor Poultry. Therefore, the Government has paid out $3 250 000. I want to know whether, in the $18 200 000, the full sum for Windsor Poultry of $3 250 000 has been included. I do not believe that it has been, so I am waiting to hear that from the Minister. Even on the Government's own figures, about $10 000 000 has gone down the drain.

Mr. Dean Brown: The Government quoted $17 000 000 even before it—

Mr. MILLHOUSE: That is so. The Government has something to answer for in that regard. Goodness me, are we in this House not going to ask the Government to account for what is a dead loss of a sum like that! We have lost that money for several reasons, and I intend to go into them. The first reason was the ill-advised decision to acquire the whole of the Monarto land before anything else was done. Instead of starting small and acquiring the 10 per cent of the land that would have been acquired willingly from landowners in the area, the government, advised by the commission, especially by the General Manager (Mr. Richardson), insisted on acquiring all the land before anything else was done. That decision has caused the most enormous hardship which, in my view, amounts to grave social injustice.

As the Minister admitted in a reply to me, the Government has acquired 19 000 hectares of land in the area. Unless I have misunderstood the enabling legislation for that purpose, it authorised only the first 10 000 ha and it was amended later to 16 000 ha. The Government admits that it has now acquired 19 000 ha. That action was most foolish and grandiose, and I blame the administration of the commission for what has happened. Until the break between this and the previous session I did not know about the appalling mismanagement, unhappiness, bickering and duplication of work that had occurred in the commission. The only person in the commission who seems to have done any sort of job and produced anything is the Director of Public Relations.

Mr. Evans: And the photographer.

Mr. MILLHOUSE: We have received magnificent reports. I know that a damn shedful of these reports is sitting on the Monarto site that they cannot get rid of. The first report depicted several handsome fellows: the three commissioners, the General Manager, and the eight directors. I blame the Minister personally (and I also blame his predecessor) for the situation. He is sitting on the commission's neck at Greenhill Road in the same building. I know that the late Mr. Taylor and Mr. Richardson did not speak to each other for months. Mr. Richardson forbade his staff to go to Mr. Taylor with anything and Taylor was sitting there with nothing to do, and that is why he got out and took $100 000 to get out. The Minister knows that.

The Minister also knows that Mr. Richardson could not prevent his directors quarrelling among themselves. The Minister knows that outside consultants were brought in to duplicate work that should have been done by the commission staff. That staff was top-heavy with eight directors, all of whom received princely salaries. I will say something more about that in a moment. I have had a few notes provided for me by a former employee of the commission. Let me read out what he says. I shall start from the beginning, as follows:

The problems caused at Monarto have not really been political. They have been caused by people who have been given authority through various Government departments and have not had the competence to plan the whole project for the benefit of everyone concerned.

The Hon. Hugh Hudson: What is the source?

Mr. MILLHOUSE: A former employee of the Monarto commission.

The Hon. Hugh Hudson: Who?

Mr. MILLHOUSE: I am not going to mention his name, for obvious reasons. His statement continues:

In private enterprise, these people would have had to pay for the hardship caused to people with whom they dealt either through the loss of their jobs or through some other form of financial or physical embarrassment. In the case of the Monarto project millions of dollars have now been wasted and serious physical, mental and financial problems have been caused to many of the former residents by the mismanagement of those making the decisions. And now that the project has been indefinitely abandoned, those responsible for the hardship are clinging to their jobs still claiming that the project will eventually go ahead even though the Minister announced about six months ago that the commission would virtually be disbanded.

Then he goes on to say:

The decision to set up the commission with eight Directors, a General Manager and a Chairman plus three Commissioners to control a staff of just over 50 people when other Government departments had only three or four Directors to control thousands of staff, as in the Engineering and Water Supply Department and Highways Department. As well as internal bickering this high-cost arrangement

caused much resentment in other Government departments which were working on the Monarto project. The decisions taken by this group to engage consultants to prepare reports on various aspects of the project (instead of doing the work themselves) further added to the financial burden on the S.A. taxpayers.

I will mention just one example. I have had it from two sources, so I am satisfied that it is right. When these people moved into the new building on Greenhill Road, a building that was either built or especially renovated for the commission, the General Manager found that he did not have an *en suite* bathroom, so he decided that he would have one. The building had to be altered, just having been furbished for the commission, to provide an *en suite* bathroom. Then Mr. Taylor found out that Mr. Richardson was going to have an *en suite* bathroom, so he said, "I am the Chairman, and I must have an *en suite* bathroom, too." Another *en suite* bathroom was built, at God knows what expense, for him. That is the sort of thing that has been going on at Monarto.

Dr. Tonkin: Don't forget that it was to have been their monument.

Mr. MILLHOUSE: That may be so, but that is the sort of thing that has been going on. The statement continues:

. . . toilets and lavish office furniture, supplying all of the Directors with Valiant Regals and Holden Statesman-type vehicles also caused inter-departmental resentment and wasted funds . . .

That is one of the things which I believe went very seriously wrong and for which successive Ministers have got to be responsible. Let me now turn from that aspect of the matter, the incredible waste, and in turning from it I challenge any Minister or the former Minister (and the member for Henley Beach might like to speak for himself on this) to tell us what we have got as a community to represent that $10 000 000-odd which, on the figures given by the Government, seems to be sheer and absolute waste.

Mr. Evans: It would have built 200 houses.

Mr. MILLHOUSE: It would have built many things. The irony of it is that, because of the bickering and all that went on, the staff members themselves are bitterly discontented. The way in which they were treated has caused grave complaint. Many of these people, quite senior in their professions, were brought to South Australia to form the nucleus of this magnificent new city. They uprooted themselves and their families to come here, and within two years, having done absolutely nothing of any use, they were sacked. Mr. Richardson, now the Chairman of the commission, on Christmas Eve, or the last day before Christmas, was walking around handing out their notices of retrenchment, they having been promised that that would not happen.

We all know that even the Public Service Association is now on the back of the Government to try to get some justice for these people. We have a situation in which literally no-one is happy. The staff members are disenchanted, disappointed, and bitter about what has happened. The landowners at Monarto are the same because of what has happened to them, and the community has lost more than $10 000 000. It is utterly specious for the Premier to say, as he said this afternoon, that it was not our money, that it was Federal money anyway, and that we would not have got it otherwise. I have never heard a more irresponsible statement than that, as though the money, if it comes from outside the State, can be wasted and we do not care but, if it happens to be our money, raised by taxation within the State, it does matter. The Premier knows, and he says it often enough, that Australia is one economic unit. We have a responsibility to spend wisely money from whatever source we get it, so let us have no more of that.

Mr. Venning: That hasn't been their attitude.

Mr. MILLHOUSE: No, of course it has not. In the Notice of Motion that I proposed, I described this as profligate spending of money and I stick to that description of it. Some few months ago I was approached by several farmers at Monarto and I have seen them on several occasions, the latest being last Saturday morning. It was that which prompted me finally to get on to this before the session expired without anyone having said anything about Monarto in this place. I wrote to the Minister (who has now left the Chamber) in February. My letter states:

I believe the landowners have been most unfairly treated and deserve redress. As you know, most of them do not wish to return to their properties. For them the clock cannot be put back. They have found, however, that the compensation they accepted has been nowhere nearly enough for their re-establishment.

I concluded by saying:

I write to you on this urgent aspect of the unhappy business in the hope that you will be prepared immediately to reassure the dispossed landowners that you will do all in your power to ensure that they will receive what is justly due to them.

Not a bit of it! Our friend Hugh Hudson, the honourable Minister for Planning, wrote that to me on February 14, as follows:

It is not proposed to accede to your suggestion with respect to the former landowners at Monarto. All acquisitions were made strictly in accordance with the terms of the Land Acquisition Act, 1969-1972, with which you, as a lawyer, ought to be familiar.

He forgot, in fact, that I introduced the legislation. The letter continues:

Section 25 of that Act sets out clearly the principles to which payment of compensation is to be made.

He concludes:

It would be quite valueless and hopeless to establish any review of the transactions as I am advised by the Crown Solicitor that such a review could, with legality, only duplicate all those claims already settled. The Crown Solicitor in a submission to the Government has stated that there is presently no evidence to suggest that there are "no wrongs which may have been done" to the Monarto landholders which require correction by the payment of further compensation.

That may literally be true. One of the difficulties that I am encountering in trying to help these landowners (and this would apply to other members, too, who may try to do the same thing) is that most of them accepted by agreement the amounts of compensation offered to them. I shall read out in a moment some of the letters I have had from them about that.

Mr. Venning: They had no alternative.

Mr. MILLHOUSE: The member for Rocky River should listen. He said they had no alternative. In my view, they were badly advised indeed, and, I may say, by a man who has been a friend of mine for very many years. The name of the Hon. John Burdett has been mentioned in this regard as having been to a meeting and having advised them that they would have to accept the amounts offered, because they would not get much more in court. I believe that was bad advice and bad tactics on their part. The Government now can say that they took it by agreement. If we see that a wrong has been done, we should have enough courage and compassion to redress that wrong, even though technically the law is on the side of the Government. That is what I am asking that the Government should do, and I will illustrate that point more carefully in a moment. These men, women and

families have had it rough each way. They have been pushed off their land, and they now see other people farming it. They thought that at least they would be able to get jobs in the new city of Monarto, and that that would be some compensation to them. It has all been for nothing. There is no Monarto, and no new jobs, and they just see other people farming their land. Some of them were the fourth generation to farm their land.

Mr. Goldsworthy: The same thing happened in Chain of Ponds.

Mr. MILLHOUSE: Maybe it did, and I will protest about that if the honourable member wants me to. One of the problems has been something that Parliament did at the behest of this Government, and that is in relation to the Murray New Town (Land Acquisition) Act. In a memorandum dated January 13, 1977, Mr. Barry Maloney, the valuer who acted for several of these people, said that because of what he calls the previously unheard of concept of attributed values in section 8 of the Act, the compensation that these people got by law was in most cases very much less than it should have been if this provision had not been put in by Parliament at the behest of the Government, and in one case only half as much as the person would have got otherwise. I refer members to section 8 of the Act. Mr. Maloney goes on to say:

Farmers who were restricted to accepting payments based on the level of attributed values could in no way afford to buy replacement farms close to Monarto (where values had risen for reasons including the proposed development), whereas, in the main, persons who had lost small residential properties in Monarto were generally able to afford to buy a replacement home in nearby Murray Bridge. This was because no depressed attributed values had been placed on the comparable sales involving residential dwellings despite the fact that it was entirely obvious that property values had risen in Murray Bridge substantially as a result of the Monarto proposals.

I am glad the member for Henley Beach is listening to this because he, after the present Minister, primarily bears the responsibility for this. The memorandum continues:

Farmers who owned properties which covered areas both inside and outside of the Monarto scheme were placed in a particularly invidious position in that they were restricted to the level of attributed values on the land taken despite the fact that if they were to attempt to replace that portion of their farm that lay within the designated site then the money they received would in no way enable them to supplement the loss of portion of their farm with the purchase of lands in the same district.

He then gives what he says is a perfect illustration of this anomaly as follows:

. . . a particular owner had more than 2 000 acres of land outside of the city boundary and lost a mere 80 acres of his farm from within the city boundary. Despite the acknowledgement of officers of the acquiring authority that it would be necessary for the dispossessed owner to pay a rate approximating twice that of the attributed value if he were to maintain the same total size of his farm, they rightly or wrongly felt that there were no mechanics in the existing legislation to enable them to properly compensate the owner to a stage where he would not be financially disadvantaged. After protracted submissions and representations, this confrontation was solved when the acquiring authority made available to the dispossessed owner a replacement parcel of land (rather than money). The value of this replacement land can be demonstrated to have been worth approximately twice that of the compensation offered to the owner on the basis of the attributed value.

The several farmers who lost say half of their farm from within the city area whilst retaining the other half outside of the proposed development have not been anywhere near as lucky as the person in the example above, as they have been denied the opportunity of an exchange of land and the compensation that they have been forced to accept was restricted to the attributed value and thus they are unable to purchase land in the same district to enable them to maintain the same size of their farming operation.

We, as members of Parliament, have to bear the responsibility for this (I do not know now whether we agreed to it or not) because this is the effect of a change in the law. I quote a few passages from some of the letters I have received from farmers in the area. Because the member for Henley Beach is here, I read the first letter as follows:

Having accepted the fact that we would have to leave our property after the announcement of the designated site, we were told at a meeting of landholders, by the then responsible Minister, Mr. G. R. Broomhill on December 21, 1972—

he has pinned it down to the date, and the former Minister can look up his notes if he likes—

that immediate occupation of the land was not required, and acquisition would proceed as development required. Being situated in the northern area of the site it was reasonable to assume that we would not be displaced for some considerable time (in the Minister's words 10-15 years).

That was what they were told. The letter continues:

Although the price paid would appear a fair market value, it was clear that this amount would not set me up farming in similar circumstances with regard to proximity to the town and city which were paramount because of family considerations (schooling and employment for children leaving school). From my point of view re-establishment was not possible and after due consideration we decided to live in Murray Bridge where employment was found which meant I had my only trade taken from me namely farming, and have been reduced to an unskilled worker's wage.

All the letters are to the same effect, and there is no need for me to go right through them. I will quote from one other at random. The letter states:

I and others had the feeling from the outset that we just didn't matter providing the Government received their kudos due for their lovely city which was going to be such a joy for those coming in but never a kind word for those going out. I feel that the Government exploited us to get the land as cheaply as possible consistent with avoiding too much publicity and then assisted the Federal Government to recoup as much as possible via taxation.

In closing I should like to impress on you what an unsettling effect this has had on our lives in many ways. Anyone who doesn't believe us can try it themselves. I believe that the least the Government can do is to recoup us the extra tax that the acquisition cost us. Unless they do I shall believe the accusations above to be true.

One of the things they complain about was that they were told not only by the Government but by others as well, that they would not be taxed on the amounts of compensation they were paid, and then they were. One bloke has written to say that he was slugged $11 000 quite out of the blue. He had to pay $11 000 in taxation that he did not expect he would have to pay. Those are the sorts of letter I have received. I appeal to the Government in this case. It can stand on its dignity and say, as the Minister has done up to date, that it has acted completely within its rights and there is nothing wrong with what it did. The Government can do that. Only a few hundred people are involved, and who cares about a few hundred people! I believe we ought to care. I do not believe that is the right attitude.

Members opposite often tell me they are socialists and that that involves the idea of the brotherhood of man and compassion towards all men. If it does, let them now in the case of these people demonstrate that compassion, by doing something for the people who literally now for nothing have been turned off their land and have suffered all these things. They have got nothing in return but the galling experience of seeing some other person farming their land. I understand the Liberal Party wants

to hang on to this 19 000 hectares of land. I recall the member for Davenport saying that the other day. I do not agree with that policy at all. I believe the dispossessed owners should be assisted, where appropriate, to get back on to their properties, although in some cases that is not appropriate because too many changes have occurred in their lives. In such cases I believe they should be compensated, as far as we can do so, with money. I say that notwithstanding my complaints about the waste of money we have had so far on Monarto. Even though about $10 000 000 has been wasted on this little exercise, we have an obligation to fellow citizens who have been so grievously wronged to spend a bit more to try to make amends to them.

That is all I have to say on the matter except for one last point. The fundamental mistake (and I believe that this was the advice given to the Government by the commission or by Mr. Richardson) was to go ahead and acquire the whole site before anything else was done. The whole damn thing had to be planned from go to woe before we got anything on the ground at all. Then, when the Federal Government started to get a little alarmed about this (and, of course, despite the shouting of the Minister a while ago it was the Whitlam Government that got the wind up and cut off the funds), if we had not then been stuck with this enormous capital investment in what is virtually useless land now, we could have started off in a modest way with Monarto, and had something on the ground instead of absolutely nothing. On the other hand, instead of persisting with the Federal Government to get $100 000 000, or whatever we wanted (and I am told that nine draft Budgets were prepared to try to support that $100 000 000 application; the Monarto staff got absolutely sick and tired of doing Budget after Budget), we could have gone to private enterprise for some money to keep going.

Of course, none of those things would do for Mr. Richardson and the Government. They persisted with the grandiose plans and I am told that the same faults, weaknesses and defects are still evident in what is left in the virtual wreck of the Monarto commission. The same things are going on now as before, the same inefficiency, muddling, and so on. This is a sorry story from beginning to end, and in my view it is the worst episode in the whole history of this Government. It is one episode for which it should be called to account, and I hope that what I have said (and I have said a few quite hard things here this afternoon) will lead to some pricking of the community's conscience about what has gone on.

The Hon. G. R. BROOMHILL (Henley Beach): I will say a few words about the sham proposal the Opposition has put forward here today.

Mr. Gunn: You have a lot to account for.

Mr. Venning: Yes, he has.

The DEPUTY SPEAKER: Order! The honourable Minister—

Mr. Venning: He's—

The DEPUTY SPEAKER: Order! The honourable member for Rock River has interjected twice while the honourable member for Henley Beach has been on his feet.

The Hon. G. R. BROOMHILL: It has already been reported to Parliament why we are considering this strange motion. It was clearly an attempt to take out of the hands of the member for Mitcham his announced intention to express criticism of the Government in relation to Monarto. I think that the Opposition made the same mistake that I made, because I expected the member for Mitcham to say there perhaps was not any need for Monarto. However, he has spent all his time quoting from anonymous letters, talking of complaints he has had, and so on. From what I gathered when he spoke about the actions he has taken during the recess of Parliament, perhaps he went up into that area and sought complaints from the people. The only complaints he seemed to read from the correspondence indicated that the people in the area admitted to him that they received a fair market value for their properties. He finished up making a complete story out of anonymous letters and expressions from people who admit they have been fairly dealt with. I think this speech by the member for Mitcham was disappointing for those of us who expected him to make some contribution in relation to the future development of Monarto.

I think the Leader made a similar mistake, because he no doubt assumed that the member for Mitcham would attempt to criticise the Government about the general Monarto proposal. To try to offset this, the Opposition moved this motion. It knew very well that it could not speak for very long on such a subject, so the Leader, in preparing his motion, threw in everything. He talked in terms of the physical, economic and social development of metropolitan Adelaide to give other members opposite the opportunity to buy in and discuss those proposals. They certainly needed the opportunity, because the Leader made clear that the statement he read to the House was not his own view, but a view that the Opposition had obtained over the past 12 months by speaking to what he referred to as "interested members of the community". The Opposition charged one of its back-bench members, who represents a country district and knows absolutely nothing about planning, to prepare the policy statement read by the Leader of the Opposition. Clearly, the Opposition knows nothing about this matter and it is obvious that the people who advise it supplied a general form of statement from which they would have expected the Opposition to build up a case in respect of its planning intentions for the future. However, this motion must have been forced on members opposite quickly. It was obvious that the policy statement the Leader read was vague and offered no solution to the problems of planning in this State.

The record of the Liberal Party in this State makes clear that it has never known much about planning. When I first entered this Parliament about 12 years ago some of the problems that confronted my district (and they were problems common to the metropolitan electorates at large) were that areas were unsewered, had no roads, footpaths or adequate schools. The schools did not have the provision for open space required now. There was no community open space, and the type of building that could be constructed in my area was completely uncontrolled. Councils were left with the minimum of decision making in that respect. We had a situation in which houses, shops, offices, factories, flats, or anything that any member of the community wanted to build in those areas could be built. When this Government came to power it recognised there had been complete neglect and lack of planning by the Liberal Government in this State for many years. As the Premier pointed out, he initiated the first Planning and Development Act.

Mr. Rodda: Tell us about your changing course.

The Hon. G. R. BROOMHILL: I do not know what the honourable member is talking about; perhaps he will have the opportunity to make some comment shortly. If he is talking about the Labor Party changing course he may

well be talking about the Government's recognising the need to change its planning direction. I think the Minister of Mines and Energy has made that clear. I think that the many amendments that we have made to the Planning and Development Act have shown that the Government is constantly recognising the need for changes as development takes place. I repeat that 12 years ago we had absolutely no legislation, and from that start the Government had to involve the community and local government in development strategies that would enable it to have adequate planning control in this State.

We have now reached the point where almost all metropolitan corncils and most regions of the State have been considered closely by the State Planning Authority. Recommendations have been sent to local government for its and the local community's approval. We are at a stage where future or new developments are required to take into account new planning requirements in this State. The real difficulty that confronts us is in respect of the growth taking place in this State. As the Minister of Mines and Energy said today, and as he has said before, it is the view of this Government (and I believe it was the view of all members of this Parliament when the Monarto proposal was first mooted) that the community would no longer accept the sort of haphazard development that was evident 10 or 12 years ago in this State. We were all concerned that, in order to cater for the community within the development areas that were open to us both north and south of the city, we would require the massive freeway proposals to which the Premier has referred. The community was not willing to accept that our planning at that stage should drift in that way or that all these houses should be built near Adelaide, thus requiring the community's way of life to be destroyed by the transport problems the MATS proposal required. When talking of the expense of which the Leader said that we were guilty, he made no specific charges in that regard. Members will recall that the MATS proposal was strongly supported by the Liberal Party, and it would have been operating now if, unfortunately, that Party had regained office. In 1965, the costs were estimated at $900 000 000 to implement the MATS plan. When one looks at the increases that have naturally occurred and at what the total cost of the MATS plan would have been, I believe that we should be congratulated for saving the community immense sums of money in that direction alone.

As I have pointed out, I do not believe that the community is satisfied with any Government's permitting the development north and south that has been projected. I point out that the Minister, in a statement released on Saturday, March 12, drew attention to the fact that, despite the slowing down in our population growth, about 40 000 new houses would have to be constructed over the next five years. If our population maintained that slow rate of increase, it would have meant about 80 000 new houses being constructed in the next 10 years and 160 000 being constructed in the metropolitan area or near metropolitan area in the next 20 years. If the Opposition expects us to believe that the community wants such development to continue at the rate at which it has developed in areas like McLaren Vale, Tea Tree Gully and in areas to the north, it has another think coming. I suggest that it take into account, as the Government has done, that development of this nature places uncontrollable and most undesirable pressures on all members of the community. We could be in a situation where we would be fighting for adequate open space for people living in these areas, and for places on the road and in buses, and generally all aspects of the standard of living to which South Australians have become accustomed would be affected.

I think that, from the political angle, the Opposition ought to realise (as certainly the Government does) that not one person to whom one speaks in the metropolitan area wants Adelaide to grow any larger. Anyone who wanted Adelaide to grow larger would be talking counter to the Environment Protection Council's findings that it would be undesirable for metropolitan Adelaide to exceed 1 000 000 people. The average South Australian does not want to see Adelaide grow any larger at this time. It is a mistake to suggest, as the Opposition has done, that we should not proceed with the necessary planning to ensure that Monarto is available to us when required and also to ensure that Adelaide does not grow to an unbearable size for us in which to live. We are having our attention drawn regularly by visitors from other States and overseas to the fact that we should ensure that Adelaide should grow no larger. We still have regular comments from planners, whether local or visiting, who are ready to point out this fact to us. I will make several quotes, and I think that even the Opposition will be prepared to listen to them. In his report to a conference held in Adelaide on land tenure, Mr. Justice Else-Mitchell said:

Fifty new cities the size of Canberra would be needed by the end of the century for the orderly development of Australia.

When talking about the end of this century, we must realise that it is close at hand. When we are not talking simply in terms of Monarto, bearing in mind his comment, we are talking, in his opinion, of 50 new cities being required by the end of the century. The report continues:

The conference, which was attended by representatives of councils and others interested in land development, discussed a report prepared by him. The report aims at eliminating land speculation and reducing land costs.

Since that seminar was held, South Australia has led the way in both of the problems referred to by him. The report continues:

Judge Else-Mitchell said the new cities would be needed to discourage further congestion of existing cities and avoid urban sprawl which had impaired the environment.

I suggest to the three Opposition Parties that they ignore those comments at their own risk. As recently as December 21, 1976, a report in the *Advertiser* stated:

Monarto will be necessary within the relatively near future, says the Royal Australian Planning Institute.

I do not think that any Opposition member would suggest that members of that organisation were likely to have any vested or political interest in seeing what were the Government's intentions in that respect. It seems a pity to me, that, if the Opposition has had such a wide-ranging point of view put to it about how we should be planning, it is a wonder that the Opposition did not speak to the institute. I suggest that the Opposition might like to follow that exercise. The report continues:

Institute secretary Mr. J. A. Lothian, said: "It will be a vital part of the settlement pattern in the temperate part of South Australia." He said the establishment of a talented team of planners was a rare occurence, and its dispersal would be a loss to the State. "The very existence of the Monarto Development Commission meant a number of highly experienced people skilled in urban development have come together," he said. "Their work as a team has so far resulted in plans and processes which are of significant importance to the State," he said.

"It is often put forward that population trends will eliminate the need for Monarto. However, projections of trends have often been proved incorrect and options must be kept open."

I suggest that the institute, as with many other planners who visited South Australia, completely agrees with the philosophy behind the Government's thinking in trying to lessen pressures on metropolitan Adelaide by seeing the need for Monarto. During last year, a report appearing in the *Advertiser* referred to comments made by Dr. Solomon, who is well known to the Opposition. The report states:

Dr. Solomon, a former Liberal M.H.R., said the development of growth centres such as Monarto was important. "I think centres like Albury-Wodonga and Monarto could work," Dr. Solomon said. "The Federal Government should undoubtedly be contributing to these growth centres. I think it would be a great pity having spent many millions of dollars so far in that general area if it were cut back any more than could possibly be avoided. It must be tried to see if growth centres will work in Australia," Dr. Solomon said.

I make the point to the Opposition that that is exactly the Government's view. We appreciate that, with the development of housing (even though on a restricted scale compared to what might have been envisaged in this State some years ago), it is clear that, if we are to do nothing, as the Opposition would have us do, and if we try to squeeze up about 160 000 houses in the limited area available to us in metropolitan Adelaide, we will find conditions unbearable, and the community will be the first to complain. I am sure that I cannot say anything about what the Deputy Leader had to say because, after the Premier had spoken, it seemed clear that the Deputy Leader would take the advantage that the motion provided to him to get away from planning. He realised that the Leader had not been able to provide any alternatives, but had merely made broad policy statements and said that there should be proposals, and things of this nature. The Deputy Leader tried to speak about the general economic development of this State. He attacked the Government's activities, and suggested that we should ensure that private enterprise did the work that was now being performed by the Government. I was surprised that he received the support by interjection of the member for Rocky River, who agreed that more work would be done if private enterprise did it. I do not know how he can explain his attitude to his constituents at Crystal Brook, because if private enterprise did the work in those areas that is now being undertaken by the Engineering and Water Supply Department and the Highways Department, the honourable member would have difficulty in ensuring that that country centre was able to be maintained.

The Hon. Hugh Hudson: Do you think a Liberal Government would sack them?

The Hon. G. R. BROOMHILL: If the Deputy Leader and the member for Rocky River were members of that Government, from what they have said today that would happen. The only alternative to Monarto suggested by the Opposition was a weak case in relation to developing existing country towns, although the major spokesman for the Opposition in relation to financial matters suggested that we should do away with work being done by the Government in those same towns. That has been the only real argument members of the Opposition have brought forward in respect to the growth of Adelaide and the way that it would restrict it. They have loosely said that they would encourage the development of existing country towns in order to absorb the growth that we would have in metropolitan Adelaide. It is a pity that Opposition members have not been more specific about what they would do: the ploy of all Liberal Governments in this State has been that they have said that the decentralisation policy in building up existing country towns would solve the problem. Never once have they achieved any significant success in such a process.

I was surprised at the attitude taken by the member for Mitcham. At no stage did he refer to the problems of planning in this State, but concentrated solely on the difficulties that had been referred to him of landowners and of individuals who had previously been employed by the Monarto Development Commission. I had hoped that he would quote the old L.M. policy on planning. I do not know whether the new L.M. has adopted *in toto* all the previous philosophies of the old L.M. I have seen its planning constitution, and I was surprised that the requirements for new growth centres were referred to in detail. Perhaps it has been some time since the honourable member has examined that policy: with few members, he is not really obliged to follow any proposals that have been determined previously. Perhaps to ascertain whether he is being consistent, the honourable member should again examine that planning policy adopted by his rank and file members. It is a pity that we have been required to listen to members opposite trying to support a sham no-confidence motion in the Government, simply so that they will not be outdone by the member for Mitcham. I suggest that this proposal should be defeated in the way it deserves.

Dr. TONKIN (Leader of the Opposition): I am grateful to members on this side who have supported the motion, and I know that others would have spoken in support if there had been longer time to debate the issue. Indeed, all Opposition members would have supported this no-confidence motion, and with every reason. We believe, having done the research we have that there is every reason to move a no-confidence motion in the Government, because it has clearly shown that it has no concept of overall planning requirements for this State. Government members, almost without exception, have dwelt on pre-1971 issues and with what the Liberals have done. I remind the member for Henley Beach that the Liberal Government was responsible for developing Whyalla, it built power stations at Mount Gambier, and developed Port Pirie. It has done more for this State than the Labor Government has ever done, and we should not forget that aspect.

The Hon. Hugh Hudson: What about Tom Playford's planning?

Dr. TONKIN: By that interpection the Minister has condemned his Government. It does not understand about decentralisation, industrial development, providing energy, and industry: it does not understand that it is all part of the overall concept of planning for South Australia. From its own mouth, it is obvious that the Government has no idea how on earth it should administer this State. The Government does not have a plan, and that has just been proved. The Premier is fond of saying that South Australia has the best of everything, but this afternoon it was clear that South Australia was still the best simply because the Premier said it was, because he gave no other explanation. The omnipotent, infallible, and wonderful Premier said that we had the best, therefore we must have it. I cannot accept that any more than other Opposition members can accept it. I refer the member for Henley Beach to the article in the *Advertiser* of April 16, especially the second column, which states:

Since the MATS report of 1968 Adelaide has been overtaken by Brisbane as Australia's third largest city and is steadily losing its lead on Perth as the fourth largest.

That is an interesting development! That is the picture on overall growth compared to at least one Eastern State.

Mr. Allison: It is like Gibbon's Decline and Fall of the Dunstan Empire!

Dr. TONKIN: Indeed, it is. Let us compare housing and land costs to those applying in other States. I refer the honourable member to page 2 of the *National Times* of April 18. These figures were prepared by the Australian Housing Industry Association, when it considered how house and land costs had risen between December, 1971, and March, 1976, the period of the Labor Government's term of office. It gives a similar deteriorating picture, because it states:

Adelaide's house and land costs have risen by 130 per cent compared to Brisbane's 91 per cent; Perth's 58 per cent; Melbourne's 124 per cent; and Sydney's 96 per cent.

The only city that the Premier has been able to beat at this stage with his management is Hobart, with another Labor Administration, and its costs have risen by 135 per cent, and that is marginal. We have the best all right! We have the best of a bad world under this Administration, with no overall plan and no concept for it. It becomes clear that when the Labor Party, the Minister, and the Premier refer to planning, they are referring to physical planning only, and to none of the wider concepts that are absolutely essential for the proper development of this State. The Premier referred to the State Planning Authority, and he was living back in the past when he referred to a committee set up by the Hall Government in 1970. Not once did the Premier touch on Monarto in any depth. Nor did the Minister for Planning touch on Monarto. He kept off that subject for as long as he could. Has the Minister justified the Government's expenditure on Monarto? No. All the Minister could do was make vague threats that perhaps the Opposition might support high rise development or agree to bulldoze existing buildings. What a load of rubbish! The Opposition would not agree to that.

No speaker opposite has said why $20 000 000 has been wasted on Monarto and why the Government was justified in spending that money there and not spending it in inner or outer metropolitan areas. Not once has any justification or defence been given by Government members for that expenditure. They spoke about the development of the Noarlunga centre. Certainly, that is proceeding. I know, and so does everyone else, that that development would have proceeded much more rapidly if funds had been available for the report, but those funds have not been available. Instead, those funds were poured down the sink at Monarto. The Minister referred to urban renewal and Housing Trust developments in the inner metropolitan area. They are worthy projects, but they have been delayed. He spoke about moves that were finally being made regarding the Hackney redevelopment site. He also spoke about the lack of action regarding the Kensington redevelopment plan and said that planning was proceeding. Those buildings could surely have been built by now. That plan could have been finished if the money had been available.

The Hon. Hugh Hudson: Over residential opposition?

Dr. TONKIN: It would have been much easier to obtain residential agreement if it had been feasible to carry on with any plan. Until now money has not been available to proceed with any plan. That is the long and short of the situation. It is obvious, as I have said, that the Minister and the Government have no real understanding of the need for overall planning in terms of the physical, economic and social development of the State, especially in the metropolitan area. The Government has no overall plan, no co-ordinated direction for development, and no mechanism for the continuous monitoring of the population and the results of planning so that plans could be modified and changed to meet changing situations.

The Government has shown no shame or regret at wasting so much taxpayers' money on Monarto, money that could have been applied with great benefit to the metropolitan area. Members opposite apparently cannot see or will not admit that the money spent on Monarto is a blatant misuse of public funds and is a scandal of the worst proportions. We cannot afford this Government any longer. I have said previously that we have been considering this matter for some time. I repeat that this is just the beginning. The Government and the community will be told about this Government's planning mismanagement and about its ineptitude. The Opposition is determined to inform all South Australian's of the Government's record of inefficiency, lack of care and concern, and waste. That is this Government's record! It does not deserve the confidence of this House or of the people of South Australia.

The House divided on the motion:

Ayes (19)—Messrs. Allen, Allison, Becker, Blacker, Dean Brown, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (20)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold, Boundy, and Chapman. Noes—Messrs. Broomhill, Jennings, and Wells.

Majority of 1 for the Noes.

Motion thus negatived.

FISHERIES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

SUCCESSION DUTIES ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Succession Duties Act, 1929-1976. Read a first time.

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

That this Bill be now read a second time.

The object of this Bill is to give effect to a decision of the Government to grant some relief from succession duties in cases of hardship when an interest in a dwellinghouse is derived by the surviving unmarried brother or sister of a deceased person and the survivor and the deceased lived together prior to the date of death.

Various representations have been received by the Government for the surviving brother or sister of a deceased person to be exempted from succession duties in respect of property derived from the deceased. Pursuant to its policy of keeping State taxation under continual review and giving remissions where possible consistent with its obligations to provide the services the community requires, the Government endeavours to give priority for concessions to those areas causing the greatest hardship.

In this case, the Government has decided that a rebate of duty is justified and should be granted in circumstances

where (*a*) an interest in a dwellinghouse used as the principal place of residence by the deceased and a surviving unmarried brother or sister passes to such a survivor; and (*b*) the surviving brother or sister was living with the deceased for a period of at least five years before the date of death.

It is proposed that the concessions will also apply where a person acted in *loco parentis* to either or both of the deceased and/or the survivor; in other words, *de facto* relationships of brother and sister will get the same benefit as will the legal relationships of brother and sister.

The concession proposed is based on that applying under the present Act in respect of a dwelling derived by an orphan child under 18 years of age or a child housekeeper, except that provision has been made also for a reduction of the rebate where property in excess of $5 000 in addition to the interest in the dwellinghouse is derived by the surviving brother or sister. It is considered by the Government that, in these circumstances, the same degree of hardship would not be experienced in paying succession duties as that which would be experienced by a person who did not derive such other property. It is also pointed out that provision will still exist under the present Act which enables the Commissioner to defer payment of duty in appropriate cases where duty is payable but reasons for deferment can be shown to exist.

I point out to members that the words "brother" and "sister" cover cases where no blood relationship exists, but the claimant was brought up in the same family as the deceased and is consequently *de facto* a member of the same family, and that "unmarried" in this context includes "widowed" or "divorced". I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 and 2 of the Bill are formal. Clause 3 provides that the new amendments are to apply in respect of the estates of persons dying after the commencement of the amending Act. Clause 4 makes an amendment to a heading. Clause 5 extends the meaning of "brother" and "sister" to cover cases where no blood relationship exists, but the claimant was brought up in the same family as the deceased and is consequently *de facto* a member of the same family. Clause 6 extends the benefits of Part IVB to brothers and sisters of the deceased. Clause 7 is the provision that introduces the benefits that I have outlined above. Clause 8 is a consequential amendment.

Dr. TONKIN secured the adjournment of the debate.

NOISE CONTROL BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 6)—After line 12 insert new definition as follows:

" 'the Committee' means the Noise Control Exemption Committee established under Part III of this Act."

No. 2. Page 2, lines 44 to 47 (clause 6)—Leave out all words in these lines and insert the following:

" 'non-domestic premises' means—

(*a*) any premises required to be registered as industrial premises under the Industrial Safety, Health and Welfare Act, 1972-1976;

(*b*) any premises on which any construction work is carried on in respect of which notice is required to be given under the Industrial Safety, Health and Welfare Act, 1972-1976;

(*c*) any mine within the meaning of the Mines and Works Inspection Act, 1920-1974;

(*d*) any premises required to be licensed under the Licensing Act, 1967-1976;

(*e*) any premises required to be licensed as a place of public entertainment under the Places of Public Entertainment Act, 1913-1972;

or

(*f*) any premises, or premises of a class, for the time being declared by proclamation to be non-domestic premises for the purposes of this Act:."

No. 3. Page 6, lines 5 to 8 (clause 10)—Leave out all words in these lines.

No. 4. Page 6, line 10 (clause 10)—After "notice" insert ", being not less than three months".

No. 5. Page 6, line 12 (clause 10)—Leave out "at a place outside the premises" and insert "at the measurement place".

No. 6. Page 6 (clause 10)—After line 18 insert subclause as follows:

"(2a) For the purposes of subsection (2) of this section 'measurement place' in relation to non-domestic premises means any place outside the non-domestic premises at which any person resides or is regularly engaged in any remunerative activity."

No. 7. Page 6, lines 22 to 25 (clause 10)—Leave out all words in these lines.

No. 8. Page 6, line 29 (clause 10)—Leave out "Five" and insert "One".

No. 9. Page 6—After line 29 insert new clauses 10a, 10b, 10c, 10d and 10e as follows:

"10a. *Noise Control Exemption Committee*—(1) A Committee shall be established entitled the 'Noise Control Exemption Committee'.

(2) The Committee shall consist of four members appointed by the Governor, of whom—

(*a*) one shall be an officer of the public service of the State nominated by the Minister, who shall be the Chairman of the Committee;

(*b*) one shall be a person nominated by the United Trades and Labor Council of South Australia;

(*c*) one shall be a person who is, in the opinion of the Minister, representative of the interests of employers;

and

(*d*) one shall be a person who has, in the opinion of the Minister, appropriate qualifications as an engineer and experience in the control of noise.

(3) If a person is not nominated by a body for the purposes of subsection (2) of this section within thirty days after the receipt by that body of a written request from the Minister so to do, the Governor may appoint a person nominated by the Minister to be a member of the Committee and that person shall be deemed to be duly appointed upon the nomination of the body requested to make the nomination."

10b. *Terms and conditions of office*—(1) Subject to this Act, a member of the Committee shall hold office for a term of three years upon such conditions as the Governor determines and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint an appropriate person to be a deputy of a member of the Committee and the deputy of any member while acting in the absence of the member of whom he is, or has been appointed, deputy, shall be deemed to be a member of the Committee and shall have all the powers, authorities, duties and obligations of that member.

(3) The Governor may remove a member of the Committee from office for:

(*a*) mental or physical incapacity;

(*b*) neglect of duty;

(*c*) dishonourable conduct;

or

(*d*) any other cause considered sufficient by the Governor.

(4) The office of a member of the Committee shall become vacant if—
(*a*) he dies;
(*b*) his term of office expires;
(*c*) he resigns by written notice addressed to the Minister;
(*d*) he fails to attend three consecutive meetings of the Committee without leave of the Chairman;
or
(*e*) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Committee becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

10c. *Allowances and expenses*—A member of the Committee shall be entitled to receive such allowances and expenses as may be determined by the Governor.

10d. *Quorum, etc.* (1)—Three members of the Committee shall constitute a quorum of the Committee and no business shall be transacted at a meeting of the Committee unless a quorum is present.

(2) The Chairman of the Committee shall preside at a meeting of the Committee at which he is present and in the absence of both the Chairman and his deputy from a meeting, the members of the Committee present shall decide who is to preside at that meeting.

(3) A decision carried by a majority of votes of the members of the Committee present at a meeting shall be a decision of the Committee.

(4) Each member of the Committee shall be entitled to one vote on a matter arising for determination by the Committee and the person presiding at the meeting of the Committee shall, in the event of an equality of votes, have a second or casting vote.

(5) Subject to this Act, the business of the Committee shall be conducted in a manner determined by the Committee.

10e. *Validity of acts of the Committee and immunity of its members*—(1) An act or proceeding of the Committee shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, an act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No personal liability shall attach to a member of the Committee for an act or ommission by him, or by the Committee, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

No. 10. Page 6, line 30 (clause 11)—Leave out "Minister may" and insert "Committee may, upon application by the occupier of any non-domestic premises".

No. 11. Page 6, line 34 (clause 11)—Leave out "Minister" and insert "Committee".

No. 12. Page 6, line 35 (clause 11)—Leave out "Minister" and insert "Committee".

No. 13. Page 7, line 4 (clause 11)—Leave out "Minister" and insert "Committee".

No. 14. Page 7, lines 5 and 6 (clause 11)—Leave out all words in these lines.

No. 15. Page 7, line 10 (clause 11)—Leave out "Five" and insert "One".

No. 16. Page 7, line 14 (clause 12)—Leave out "Five" and insert "One".

No. 17. Page 7, line 15 (clause 12)—Leave out "An" and insert "For the purposes of subsection (1) of this section, an".

No. 18. Page 7, lines 19 to 23 (clause 12)—Leave out all words in these lines.

No. 19. Page 7 (clause 12)—After line 23 insert new subclauses (3), (4) and (5) as follows:

"(3) If an employee is exposed to excessive noise during his employment by any employer, an Inspector may give a notice to that employer requiring him to ensure that no employee of his is exposed to excessive noise in that employment after the expiration of a period specified in the notice, being not less than three months.

(4) For the purposes of subsection (3) of this section, an employee is exposed to excessive noise if the noise level ascertained in respect of the employee's place of employment and in respect of the period for which the employee is at work in the employment during any day exceeds the prescribed maximum permissible noise level.

(5) Subject to this Act, a person given a notice under subsection (3) of this section shall not fail, without reasonable excuse, to comply with the notice.

Penalty: One thousand dollars."

No. 20. Page 7, line 41 (clause 13)—Leave out "Five" and insert "One".

No. 21. Page 8, line 14 (clause 15)—Leave out "One thousand" and insert "Five hundred".

No. 22. Page 10, lines 12 and 13 (clause 18)—Leave out "at a place outside the domestic premises" and insert "at the measurement place".

No. 23. Page 10 (clause 18)—After line 19 insert new subclause (2a) as follows:

"(2a) For the purposes of subsection (2) of this section 'measurement place' in relation to domestic premises means any place outside the domestic premises and within a structure in which any person resides or is regularly engaged in any remuneration activity."

No. 24. Page 11 (clause 20)—After line 12 insert paragraph as follows:

"(*cl*) any place is a measurement place;."

No. 25. Page 11, lines 21 to 25 (clause 21)—Leave out the clause.

The Hon. D. W. SIMMONS (Minister for the Environment): Members will notice that there are 25 amendments by the Legislative Council. Quite frankly, in reading the schedule it is hard to believe that the Legislative Council is sincere in wanting to see any effort to control noise in this State, because some of the amendments are specifically designed to thwart the imposition of any sort of control of noise. It is obvious that members in another place are acting with a complete lack of sincerity in their approach to the problem. The point will be made clear as the Committee considers the various amendments.

Amendment No. 1:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendment No. 1 be disagreed to.

The various amendments put into the Bill in another place fall into several categories. This is probably one of the most important ones, and it refers to several other amendments, particularly amendment No. 9. I do not know what the procedures are, but I believe that members cannot fully appreciate the importance of this first amendment without bearing in mind what it is designed to do. It inserts a new definition in the definitions clause of the Bill which is called on later in the proposed additions that the other place has made to the measure. I suggest that members take some note of what is in the later amendments in deciding whether or not this definition should be included.

I think that the provision to set up a noise control exemption committee is completely unnecessary, and is designed only to thwart the implementation of the Bill in the control of industrial noise. It would negate the whole approach of the Bill and, if implemented, would lead to long and unnecessarily costly delays. I believe that that is really the intention of the movers of this amendment. The amendment is illogical, because the

thrust of the legislation is on the objective measurement of excessive noise, which obviates the need for an appeals structure. If standards are laid down, either in the Bill or in regulations, requiring a certain noise level to be adhered to, the reason for the appeals committee disappears entirely.

There is no point in having an appeal against a notice served because a noise level exceeds a certain level. It is a question of fact whether the level is exceeded, and that is not a matter subject to appeal. The only thing that is subject to appeal is the time that is given in the notice to comply with the order requiring reduction in the noise level. That appeal is provided to the Minister, and as the Minister responsible for the implementation of the measure (and I can imagine any other responsible Minister would agree) I can say that the scheme will be administered sensibly. There seems to be an impression on the other side, particularly in another place, that it is the aim of the Government to put businesses out of existence. How they can adopt that attitude in the light of the performance of the Government, I cannot understand.

Mr. Gunn: You've answered the question. It is the performance of this Government that we question greatly.

The Hon. D. W. SIMMONS: We have the lowest unemployment level in Australia and the lowest degree of industrial strife and, generally speaking, I think—

The CHAIRMAN: Order! I think the member for Eyre will have an opportunity to speak, and I must ask the honourable Minister not to reply to interjections.

The Hon. D. W. SIMMONS: Provision is contained in the Bill for the Minister to vary an order, to give an extension of time, and so on. I think that is all that is necessary to protect the industrialist, as long as the intention of the Bill is accepted. The intention of the Bill is to cause the occupier of premises to reduce the noise emanating from those premises to a certain objective level. An appeal is only of any value at all in connection with the time given to comply with that order. It is absolute nonsense to say that it is necessary to set up this cumbersome machinery to ensure that an appeal is properly provided. The Bill sets out several grounds that the Minister must consider in deciding whether or not to grant an extension of time for the execution of the order, and I believe that provision will be adequate and the whole of this noise control exemption committee structure is completely unnecessary.

Mr. DEAN BROWN: The purpose of this amendment is not as sinister as the Minister tries to make out. It will not impede the implementation of the provisions of the Bill to the extent the Minister makes out. Clause 11 empowers the Minister to grant exemptions, and it lists grounds that the Minister must consider when granting those exemptions in cases such as the technical feasibility of reducing noise, the economic costs involved, the effect of the noise on the health and safety of the persons, the number of persons affected by the noise, the level of noise, the times at which the noise is emitted, the frequency of the noise, the frequency of occurrence of the noise, and any other matter the Minister believes relevant. They are technical points to be considered and the Minister must surely realise that the setting up of an expert committee to give expert advice will take it out of the area of subjective granting of exemptions and put it in the area of objective granting of exemptions.

This will ensure that standard conditions will apply to all people requesting exemption. The Minister gives the impression that this will slow down the process under the Bill and make it unworkable. This provision relates to the granting of an exemption, and it will require the industry involved to go before the exemption committee before it can obtain any such exemption. I believe it is a procedure that will be used on only a few occasions. One imagines that it will make industries think twice about going before the committee, and therefore one can easily see this as a disincentive for people to apply for an exemption; it may make them take necessary action instead to reduce the noise level.

The Minister has said that this is an attempt to destroy the Bill. On the contrary, it will allow the Bill to be administered in the way originally intended. All it will do is alter the body making the decision whether or not an industry should be exempted. The Minister wants the power himself. It is a natural ground on which to stand up and therefore defend the Bill in its present form. He wishes to maintain that power, and no person likes to lose power but also the authority and the right to say how a section of an Act is to be administered.

I support the amendment. I believe it does not interfere with the working of the Bill. It certainly maintains the principles applied and endorsed by the Select Committee. This amendment arises out of a point that arose during the Select Committee. I asked the Parliamentary Counsel during the taking of evidence to look at the feasibility of establishing some sort of tribunal or right of appeal against the Minister's decision, and he said that, as it was a Ministerial decision, there could be no right of appeal against it. I dropped the point at that stage but obviously it is possible to appeal against a decision to a committee such as that proposed. This provision does allow the right of appeal against a decision. Considering the economic effects of whether or not an industry will have to close as a result of a decision, surely the Minister will not be so mean as not to allow that major decision to go to a committee rather than make it himself. Any other sort of decision having such a wide effect on industry would automaticaly go to some sort of Government committee. All the Upper House has asked for is this decision on exemption be equally allowed to go before an expert committee instead of the Minister's making the decision. It is taking all the politics out of the grounds of exemption.

Mr. MATHWIN: I support the amendment. I think the Minister is being most unreasonable in this situation. The Minister has said the effect of this amendment will be the setting up of an appeal structure. What is wrong with that? The only thing wrong with it is that it prunes some of his power. Part III of the Bill provides that all the power lies with the Minister, and I suggest that his main objection to the amendment is that he will lose this power. The setting up of a committee of experts would ensure a decision without fear or favour. The Minister must be well aware of the power he has under this Bill. This amendment is certainly not an attempt to destroy the Bill, as the Minister would know. I believe it is reasonable to set up this committee of experts to make the decision. I ask the Minister to reconsider his stand on this.

The Hon. D. W. SIMMONS: This is probably the nub of the objections that have been raised to the Bill as it left this Chamber. It is ridiculous to say that this right of appeal should be granted because, if members had taken the trouble to read all the amendments to this Bill, they would have found that it is proposed that the period to comply with an order, which may relate to noise that is creating a terrific nuisance in some place to the grave

detriment of the people around, is not less than three months. It could be delayed up to three months before an application is made. This provision relates to the granting of exemptions. We know well that in many places around the metropolitan area it will be necessary to grant an exemption from the provisions of this Bill for a certain time in order to give the industries a chance to reduce the noise level to a satisfactory level. For this reason, if this cumbersome structure is written into the Bill all industries that will have to apply for exemption because they do not meet the present standards will have to go before the exemption committee, which will be sitting for days and days dealing with these problems.

Mr. Dean Brown: They would have to go before you anyway.

The Hon. D. W. SIMMONS: Yes, but they do not have to be dealt with in a continuous session, particularly if the other measure to make a minimum term of three months in which to comply is abolished, and I hope it will be. It will be a much more efficient way of dealing with the problem if the matter is reported on by the experts who are provided by the Public Service, and a decision is made by the Minister. As Minister, I am prepared to accept any criticism if I make a decision under this Bill and as a result of that decision an industry is unfairly treated. It will be quite proper for members opposite to get up and draw attention to the fact that through a decision of the Minister concerned there has been an unfortunate result, unemployment and so on.

Mr. Dean Brown: It's a bit late then.

The Hon. D. W. SIMMONS: This Government has done more to maintain employment than any other Government in Australia and to suggest that it is going to set out deliberately to reduce employment is ludicrous. I can see no point in this amendment and I repeat that it should be disagreed to.

Motion carried.

Amendments Nos. 2 and 3:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendments Nos. 2 and 3 be agreed to.

I am sure there will not be any argument about this matter from the other side of the House. I move that these amendments be accepted not because I think they add anything to the measure but because they are not opposed to it. The Bill, as it left this Chamber, provided for a definition of non-domestic premises as follows:

"non-domestic premises" means any premises, or premises of a class not being domestic premises, for the time being declared by proclamation to be non-domestic premises for the purposes of this Act.

The wording of the original Bill was changed at the suggestion of the Select Committee to make clear to members of the public, and members of the press who deliberately misinterpreted the measure, that in fact "industrial premises" has a wider connotation than "factory". I think that is quite adequate. The proposed two amendments merely spell out in greater detail what anybody can read into the existing definition in the Bill. They do not derogate from the Bill; they merely make clear to anyone that industrial premises, mines, licensed premises and places of public entertainment are covered by the measure. In addition, we have the same provision as we had in the original Bill. All the amendments do is expand that definition, not alter it, so I am prepared to accept the amendments.

Mr. DEAN BROWN: I support the amendments because I think they are logical. They add marginally to the Bill because they clearly state what premises will be covered. I take up the point the Minister made that certain people in the media had deliberately given the wrong impression as to what "industrial premises" covered. He clearly implied that the press had been deliberately irresponsible. If that is the case, I ask the Minister whether he has reported the matter to the Press Council and, more importantly, whether he has any evidence to substantiate what he said. I do not believe the press would be guilty of such irresponsibility. If the Minister has not got any proof he should apologise for making such a rash accusation. It was a foolish statement to make, knowing that the press cannot answer him back in this Chamber.

The Hon. D. W. SIMMONS: The suggestion that the press cannot answer anything said in this Chamber is so ludicrous it is not worth while answering.

The CHAIRMAN: Order! The honourable Minister is out of order, as the amendments do not deal with this matter.

The Hon. D. W. SIMMONS: I want to raise another matter that refers to amendment No. 3, because I think it is important that this matter be brought out, particularly in relation to the decision made earlier to eliminate a noise control exemption committee. If members look at amendment No. 3, they will see that it refers to clause 10, lines 5 to 8. The proposal in the amendment from the other place is that all those words be left out. That is something I am prepared to accept, but for entirely different reasons from those put forward in another place. If members read the clause, they will see that it refers to the giving of a notice by an inspector to an occupier of non-domestic premises requiring him to do the following:

(*a*) to take such steps, if any, as are specified in the notice within the period specified in the notice to reduce the noise emitted from the premises;

and

(*b*) to ensure that excessive noise is not emitted from the premises after the expiration of the period specified in the notice.

The effect of this provision is that is gives the inspector power to set out the steps that he thinks the industrialist should take in order to reduce the noise to an acceptable level. This is contrary to the whole thrust of the Bill, and similar provisions were removed from the regulations to ensure that the Government, through the inspectors, was not dictating to the owner of a premises the measures he should take to reduce the noise. All that is intended is that the occupier of the premises will reduce the noise to an acceptable level. It is left up to the occupier to decide the most effective and economical way of bringing about that result. For that reason we thought it was inconsistent to provide in clause 10 the power to set out the steps that the owner of the premises should take in order to reduce the noise level. The main thing is that he gets the noise down to a satisfactory level. He can go about that in whatever way he will.

Motion carried.

Amendment No. 4:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendment No. 4 be disagreed to.

The effect of the amendment is that if a noise emitted from a non-domestic premises is excessive, an inspector may give a notice to the occupier of those premises requiring the owner to ensure that that excessive noise is not emitted from the premises after the expiration of a specified period of not less than three months. In other words, whatever the cause of the noise (it could be a noisy machine that can be fixed in a day or so), the person has three months to take any action that may be necessary to bring the noise

level down to an acceptable level. Quite frankly, that is just not on. If it is necessary to go for three months, given that time I think that, in the initial notice, the company would be given it, if, on applying to the Minister, he thought that the time was inadequate to make the necessary modifications. There is no way in which we can say to any industrialist, "You have at least three months to take any action to get rid of a noise nuisance."

Motion carried.

Amendments Nos. 5 and 6:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendments Nos. 5 and 6 be disagreed to.

The amendments refer to a concept that, instead of ensuring that the noise level at a place outside the premises has to be satisfactory, there should be a measurement place. I understand the reason why this concept was put forward.

Mr. Dean Brown: It was an initial recommendation of the Select Committee.

The Hon. D. W. SIMMONS: No, it was not.

Mr. Dean Brown: But—

The CHAIRMAN: Order! The honourable member for Davenport will have his opportunity to speak.

The Hon. D. W. SIMMONS: During the Select Committee's proceedings, several witnesses put forward the argument that the provision would subject an industrialist to unnecessary harassment if, on a complaint by someone with a grudge against him, a reading on the street outside the particular premises could be taken and shown to be above the appropriate level, even though it adversely affected no-one except, for a short time, people who happened to be passing by those premises. I believe that one industrialist has solved this problem by buying a house opposite the factory in relation to which a woman was complaining about the noise, and so got rid of the complainant, if not the source of the complaint. A case was put forward in another place about premises at Port Pirie, I think, where it was obvious that no person was likely to be adversely affected by the noise emanating from the factory.

Members of that Chamber asked why the power should remain in the Act to enable a reading to be taken at the boundary of those premises, because no-one else would be affected by it. That argument has some logic and appeal. The Select Committee looked at the matter carefully and, as a result of advice and the application of a certain amount of logic, it did not include that recommendation. As the Select Committee's recommendation was tabled in the House, any honourable member can check to see that this concept was not included.

The only way in which an industrialist could be sure that he was not acting to offend in the future so far as noise emission was concerned would be to reduce it to the appropriate level at the boundary of his premises. In that way, he could know, with certainty, that he would not offend, because the whole operation is under his control. If we introduce the concept of a measurement place, however defined, at some area outside his premises, he has no guarantee that, through circumstances over which he has no control, the measurement place will vary. For example, if the nearest house is, say, 250 metres from the factory, that would be the appropriate measurement place, because that would be the nearest place at which anyone would be more or less permanently affected by the noise. That would be all right, and the industrialist might in all good faith modify his premises in order to reduce the noise to an acceptable level at the nearest house. However, what would happen if vacant land next door to the factory was built on, thus having another person adversely affected by the noise? Immediately all the arrangements the industrialist had made in good faith would fall down, because the noise level alongside the factory would be too high.

It was believed that it would be only fair to the industrialist to include a provision that would require him from the beginning to take adequate steps to put himself beyond any challenge in the future. In the long run, that might be cheaper than letting him off, on the face of it, easily to begin with, but requiring him to make expensive modifications in the future, possibly several times, as the nearest place of measurement varied. That is one reason why the committee refused to accept the suggestion or to recommend the concept of a measuring place.

Another matter which concerns me and which does not have anything to do with industrial premises is the definition of "measurement place" (which is defined as "any place outside the non-domestic premises at which any person resides or is regularly engaged in any remunerative activity"). In other words, a living or working place. Consider the situation on the banks of the Torrens River, with a rock group performing on the Memorial Drive tennis courts where the noise level was far above what was satisfactory to people who merely wanted to sit on the southern bank and enjoy the peaceful night air. They would be subjected to the excessive noise coming from across the other side. Even though we could proclaim the drive a place of public entertainment under the Places of Public Entertainment Act, or declare it under the legislation, nevertheless by virtue of the amendment, the place where the family might be sitting on the banks of the Torrens would not be a measurement place because it was not a place at which any person resided or was regularly engaged in any remunerative activity. The amendment, which started off with the best of intentions, is, I think, unsatisfactory. For that reason, I ask the Committee to reject it.

Mr. DEAN BROWN: Government members on the committee are embarrassed on this point.

The Hon. D. W. Simmons: We are not in the least.

Mr. DEAN BROWN: At the last meeting before the member for Chaffey went overseas, the committee decided to come up with broad principles of agreement. The basic matter on which there was agreement was this point. We requested the Parliamentary Counsel to prepare suitable amendments, similar to those outlined by the Minister. At the next meeting, the committee also insisted that the Parliamentary Counsel prepare suitable amendments. All members of the committee again endorsed the previous recommendation. However, at the meeting held on the day before the report was presented to the House, the committee changed its mind, having completely misled the member for Chaffey, who was a member of the committee. He left for overseas under the false impression that this problem would be dealt with, but the committee changed its mind. I do not believe that the committee supported the way in which the Bill, as it stands, is drafted. I think that the committee believed that the Bill should be drawn on a more practical basis. There is a sound reason to accept this amendment, because the Minister has indicated that the law will be administered differently from the way in which it is written into the Bill. Unless all Acts can be administered in the form in which they are written, Parliament is a mockery.

In the case of the Morphettville bus depot, excessive noise will be measured at its boundaries, but it will be interesting to see whether the Minister will uphold

this legislation, because that is Government property. I am willing to bet that he will back down. The Minister's argument is that a person may build a house or factory adajcent to a factory, but that argument can be reversed, as it could be said that we should ensure that planning laws should prevent that factory or house being built adjacent to another factory because the noise level is excessive. A guarantee should be given before the new building is erected that the noise will be reduced. Obviously, the Government is not willing to use noise levels as a means of planning in the metropolitan area. Another case to which I refer is the subdivision at Stonyfell. Both the Minister for the Environment and the Minister for Planning suggested that the subdivision should not proceed because of its noise nuisance. However, the Planning Appeal Board rejected that argument. I believe that the subdivision should not have proceeded, because it was undesirable urban planning. If this amendment had been available, the Government would have been able to prevent such a subdivision. I oppose the motion and support the amendment.

The Hon. D. W. SIMMONS: It is ridiculous to say that a person owning vacant land alongside a factory in an industrial zone should be prevented from building a factory on it because it conflicts with zoning laws, or that zoning laws have broken down. I therefore ask the committee to reject the amendment.

Motion carried.

Amendment No. 7:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendment No. 7 be disagreed to.

As this refers to a noise control exemption committee and that concept has been rejected, it should be disallowed.

Motion carried.

Amendment No. 8:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendment No. 8 be disagreed to. This refers to the question of penalties, and I cannot accept it. The penalty shown in the Bill is the maximum penalty, and a court will award a penalty appropriate to the circumstances. In some gross circumstances a penalty of $5 000 is not excessive, especially in cases where a noise nuisance is continued. Even if a company had to pay $1 000 a day for every day of the year, that cost could be less than the amount needed to be spent to reduce the noise nuisansce. A penalty of $1 000 is not an appropriate maximum penalty, but I am sure that the penalty imposed will not be as much as $1 000.

Mr. DEAN BROWN: I support the amendment, which is similar to one moved in this place originally. The Minister has said that most companies could easily pay $350 000 as a penalty.

The Hon. D. W. Simmons: I didn't say that.

Mr. DEAN BROWN: What company could pay $350 000 and continue making the noise? Its shareholders would protest. There would be few companies making that sort of profit, and fewer would be involved in an industry creating noise. Domestic noise is as bad as industrial noise, but the penalty in that case is only $500.

Furthermore, the fine imposed on an employee for not wearing protective equipment is $25. Let us get our standards relative. Why impose a $5 000 fine on an employer for making a noise and impose only a $25 fine on an employee for what I consider is just as important—not wearing the protective equipment supplied to him? A fine of $5 000 is considered in other areas.

The Hon. D. W. Simmons: That is not relevant to this clause.

Mr. DEAN BROWN: That is so, but I intend talking about all the fines imposed by these amendments now. It seems that the Minister has a hang-up about the media and about its reporting of this Bill. As the media has taken a responsible stand in pointing out the shortcomings and weaknesses of the Bill, he has attacked it. The Minister should forget his hang-ups and consider the shortcomings of his own legislation. I support the amendment because it puts relative justice back into the Bill.

Motion carried.

Amendments Nos. 9 *to* 14:

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendments Nos. 9 to 14 be disagreed to.

It is not necessary to debate these amendments at length, because we have already disagreed to amendment No. 1, which referred to a noise control exemption committee. Amendment No. 9 sets out in great detail the constitution and so on of the committee. These amendments must have been thrown together in a heck of a hurry, because suggested new clause 10d (1) refers to three members of a committee of four members forming a quorum, whereas 10d (2) provides:

The Chairman of the committee shall preside at a meeting of the committee at which he is present and in the absence of both the Chairman and his Deputy from a meeting, the members of the committee present shall decide who is to preside at that meeting.

That amendment is fairly indicative of the other amendments, Nos. 11, 12, 13, and 14, which merely attempt to replace "Minister" by "committee" or to take away the power of the Minister.

Motion carried.

Amendments Nos. 15 *to* 25:

The Hon. D. W. SIMMONS moved:

That the Legislative Council's amendments Nos. 15 to 25 be disagreed to.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 1 and 4 to 25 was adopted:

Because the amendments to which the House has disagreed are contrary to the principles of the Bill and make it impractical to administer.

Later:

The Legislative Council intimated that it insisted on its amendments Nos. 1 and 4 to 25 to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. D. W. SIMMONS (Minister for the Environment) moved:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 1 and 4 to 25.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Boundy, Broomhill, Dean Brown, Olson, and Simmons.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 9.30 a.m. on Thursday, April 21, 1977.

The Hon. D. W. SIMMONS moved:

That Standing Orders be so far suspended as to enable the conference on the Bill to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from April 13. Page 3388.)

Mr. EVANS (Fisher): I support the Bill. I know why the Government has introduced it. The Minister for the Environment will remember that last year I raised the matter of insurance for players and sportsmen, without going to far into that matter at the time, because I believed that a real need existed for such insurance. At that time the State Government through the Tourism, Recreation and Sport Department announced that clubs had an opportunity to insure their voluntary workers against accident and that the department had taken proper action in making insurance policies available. Of course, the Government was trying to gain credit for that action. I raised the matter at that time with the Minister for the Environment and asked him to take it up with his colleague in another place to ascertain the position regarding club coaches who received maybe $500 or $600, or even less, for their services. I heard nothing more from the Government about that aspect.

I telephoned the department's legal adviser and asked him whether he had any thoughts about what would happen if a player or coach was seriously injured, whether the club would be liable for that injury, and whether it should insure the player under the Workmen's Compensation Act. The legal adviser was hesitant and saw the situation as being unclear. I believe that he had the same opinion as I, that sporting clubs should have been insuring their players. Subsequently, an incident in New South Wales went before a court. We are told that the provisions of this Bill are similar to an Act that was passed in New South Wales as a result of that case, in which it was decided that a player was entitled to compensation and that the clubs should have insured their players for workmen's compensation. The Opposition agrees with that provision of the Bill, but would like to see one or two points cleared up.

The Government must take responsibility for the Workmen's Compensation Act it introduced to try to cover every workman in the State. The Government tried to encompass subcontractors and everyone down the line, and picked up sportsmen of a class and kind as well. Regarding that matter, the Minister said:

> The Government felt that urgent action was called for to ensure that sporting clubs in South Australia were protected from the massive financial implications of the situation should it be found to be the same in South Australia.

In other words, for the first time, the Government admits that its workmen's compensation legislation imposes on those who must take out that sort of insurance a massive financial burden, a burden that has been placed on the whole of South Australian industry and not just on sporting clubs.

The DEPUTY SPEAKER: Order! This Bill relates only to workmen's compensation for sportsmen. If I allow the honourable member to widen the debate we will move away from the Bill.

Mr. EVANS: I do not wish to enter into a conflict with you, Sir, but we are amending the Workmen's Compensation Act.

The Hon. J. D. Wright: No, we're not.

Mr. EVANS: It is a special provisions Bill that affects the Workmen's Compensation Act.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Mr. EVANS: The Bill will take out of the legislation some persons who have been considered to be workmen in terms of the Workmen's Compensation Act. In particular, we are speaking of sportspersons. I understand from the second reading explanation and from what I have gleaned from the Bill that, where a player who is contracted to a club for service as a sportsperson, if I may use the expression and so avoid the sex angle—

The Hon. G. R. Broomhill: You bring that into everything.

Mr. EVANS: That has made the honourable member smile, anyway. Those people are covered by this Act if they are contract players for the purpose of this sport. If they carry out duties around the grounds or behind the bar for which they are paid as a separate service, they must be covered in respect of that service given to the club. I can see the problem of the Government in trying to cover all persons likely to be affected by the legislation, in cases where people are associated with sport or recreation.

If the Minister cannot accept an amendment to include other classes of person, I would hope that the news media (and I do not care whose name is used or what department is used to sustain the point) would take up the seriousness of the situation and inform clubs and associations of what may face them now or in future, even after this Bill goes through (and I hope it goes through quickly). I accept that the Bill covers basically players who receive a nominal match fee, but within the community we have calisthenic groups, youth groups, gymnastic groups, as well as referees, umpires, and instructors who work in youth and gymnastic groups. Some of those persons are paid a fee to instruct or to umpire, and if a serious injury occurred to such a person (perhaps being blinded or hit with a cricket ball, or otherwise seriously injured) the family or the individual could sue the club or the association. In such a case, if the association or club was not an incorporated body, each and every member of the club or association, particularly of the committee, would be liable to be sued, as I believe happened in New South Wales.

Now that the matter has been brought into the limelight, some persons in the community face a serious situation in relation to their own personal finances. It is essential that the news media should warn those persons that their clubs or associations should be incorporated. The Government, through the Tourism, Recreation and Sport Department, should do everything in its power to help associations or clubs to become incorporated. Some individuals could lose the whole of their life's savings in the event of an unfortunate situation in which a person was seriously injured or crippled for life. One could think of small netball clubs, with small committees struggling to raise a few dollars, deciding perhaps to pay a nominal fee to a coach. They may pay the umpire a nominal amount of $2 or $3 on a Saturday afternoon, as do many cricket associations.

In the case of the South Australian National Football League, most of the umpires fall under the jurisdiction of the umpires panel, and the league insures them for workmen's compensation. It has covered those people. The soccer representatives promised to let me know if they wanted to see any changes. As they have not done so, I presume they are satisfied that their umpires are covered by some insurance scheme. Some football associations do not have league umpires and have their own panels of umpires. They generally insure to cover themselves for workmen's compensation in relation to the umpires. I

believe those umpires are workmen in terms of the Workmen's Compensation Act, and this Bill does not exclude them from the Act as workmen.

We must convince those clubs or association that they should become incorporated or take out cover for the people to whom they pay money. Individuals who give their services free to run a club could face a most serious situation. Because of the difficulty of getting instructors, umpires, and referees, they pay a fee, even down to the level of schoolboy football and schoolgirl netball, and it would be a shame to see those people suffer personally. If the news media is not prepared to take up the matter, I hope the Minister will do so, and not just by writing to the associations.

Many associations do not have much communication with their affiliated clubs during the off season, and even when they do have affiliation and contact with their clubs they do not necessarily make sure that the message gets from the president or the secretary of the committee down through the whole structure of the club to make players, umpires, instructors and others aware of the situation. I am President of a club and, for the very reason we are talking of tonight, I made sure last year that the club became incorporated. When I raised the matter with the Minister for the Environment, I believed I was right. I made sure the club was incorporated in order to protect myself and others involved. In the summer school vacation early this year, one of the instructors broke his leg. We were fortunate that we had him insured under accident cover. He was not being paid; if he had been, we probably would have been liable, not having taken out workmen's compensation cover. I see it as a real problem, as do the Minister and the Government, in relation to those participating in sport, and that is why we have the Bill before us. However, the matter goes deeper than that.

I ask again that the Minister and the news media take the matter up and that they go into the matter more deeply than writing to the association from the Tourism, Recreation and Sport Department or the Labour and Industry Department because we have to make sure that everybody associated with these clubs knows what the possibilities are. It can be argued (and I was reassured about this during the tea break by the Minister himself) that people can sue under common law if the Workmen's Compensation Act does not apply. If that is the case it is even more important that these clubs and associations become incorporated to protect their committees.

I hope that members of Parliament inform their associations and clubs that they would be wise to become incorporated. Once people start testing the law, others also start testing the law and, although one's best friend may be working with one in a club, if something goes wrong that places him in a difficult situation he may turn on his friend to get the sort of compensation he needs to help him get through his life in the future. I will not say more about amendments to have referees, umpires and instructors included as workmen until I hear what the Minister has to say. I know that the Bill is only a short-term measure and expires on December 31, 1978. If it is possible to come to some arrangement with the sporting and recreational groups, or if the Government can come up with an overall insurance scheme, it can be repealed earlier. We know that something has to be done in the next 20 months.

I think it would be wrong if I did not express my concern as shadow Minister for Sport about the huge amounts of money being exchanged for the transfer of players and contracts for players at the top of the sporting structure. It disappoints me that such large sums are going to a few people at the top of the ladder while at the other end there is a shortage of playing fields, dressing rooms, and help for junior players. I hope that sporting associations and clubs realise the folly of what they are doing (and it is the contract clause that is relevant here) in allowing these big contracts to be entered into in an attempt to outbid the other clubs. I believe the associations are getting into difficulty and are approaching a day of reckoning. I hope when discussing their insurance problems and cover for players and others affiliated with the club that they will take some notice of the situation they are drifting towards with the high fees they are paying for the exchange of players and for players' services.

The SPEAKER: I must call the honourable member to order. I think that fees paid to or for players is hardly within the terms of the Bill. The amount of the fee is irrelevant.

Mr. EVANS: I will not argue with you, Sir, except to say that in the second reading explanation the Minister refers to a few dollars a week for playing in a match, whereas the Bill refers to the contract player. In referring to a contract player I can include, I think, the type of fees that are paid to the highest paid and the lowest paid players. I make a plea to the news media and the Minister's department and members of Parliament to let clubs and associations know of the risks that I think exist. If any legal eagle in the Chamber disagrees with me I hope he makes his point. I believe that I was right last year and that I am right now. I support the Bill.

Mr. McRAE (Playford): I support the Bill. I think the member for Fisher is being unnecessarily concerned about some of the smaller sporting bodies so I will divide my remarks into two parts. First, I deal with the two major associations for whose benefit this Bill is being introduced and at whose request it is being introduced. The Government is being more than generous in acceding to the requests of these two organisations. The fact is that the two professional football bodies in this State are just that. The days of amateurism are gone and the two bodies concerned, in particular the South Australian National Football League, should have known three years ago that they were at risk and that the clubs comprising the league were at risk, because they were told so by the various solicitors for the clubs. The reason for that is transparently obvious. It was at about that time that contracts were prepared in almost every league club binding all league players. Considerable sums of money were involved and the duties cast on the players were considerable.

In addition to playing for 2½ hours on Saturday afternoon, players were expected to train or attend at the club, for various reasons, on four separate occasions during the week, and to attend summer training. It was absolutely crystal clear at that time (and I know for a fact that four league clubs were warned by their solicitors) that all their players were entitled to the benefits of the Workmen's Compensation Act. At that time the league attempted to get workmen's compensation cover, but obviously did not put enough effort into it. I think the Government is being extremely generous in this case. The contract footballer is just as much a workman as any other workman and I do not want to see the situation that has arisen here being used as a lever to lose that person his rights, because the club has got him under such tight conditions of employment that he is just as much a workman as anybody else. I would expect that, unless the S.A.N.F.L. produces an insurance scheme as good as the Workmen's Compensation

Act in every respect by the time this Bill expires, it will be brought back under the old legislation, and the footballers and the community should expect that.

Mr. Goldsworthy: What about motor bike riders?

Mr. McRAE: I am coming to that. The clubs also ought to make provision in their budgets for long service leave, because they will have to pay it. They might also consider pay-roll tax and a few other things. They have been warned for years and have chosen to do nothing about it. I, for one, am suspicious about this laxity that they have shown and, in view of the Government's generosity I would expect them, to use a football term, to pull their socks up and make a much better effort in the future than they have in the past.

Dr. Eastick: Don't you think that they may go out of existence with all those additional burdens to bear?

Mr. McRAE: They will not go out of existence; the clubs are extremely well off. The body that may go out of existence is the South Australian Football League, because of its gross over-expenditure at a certain place west of the city. I turn now to a key aspect which has not yet been raised, but which was alluded to by the member for Fisher in a speech that he had obviously given much thought to. I refer to the position of people who are not contract players or participants in the clear sense that league football or soccer players are. What happens there? Two recent cases, both in South Australia, have delineated the position. The first case is *Barrett v. The Commissioner for Taxation*, and judgement was handed down only last Friday afternoon in the second case, namely, *Chaplin v. Australian Mutual Provident Society*. Both of those cases put the principle that the test of whether a person is an employee rests on the right of the supposed employer to control the activities of that person. I find it difficult to believe that our Industrial Court would have come to the same decision on the same set of facts as did the New South Wales commission. Certainly in relation to the contract football player, I believe that it would have come to the result I have suggested but, in relation to a person receiving a small honorarium for a match, I find it difficult to believe that, on the tests laid down that our court has followed, it would have come to the same conclusion.

Nonetheless, it is correct that, where non-contract players are engaging in a sport and are prepared to accept the risk of a body-contact sport, there is no special reason why they should be covered by workmen's compensation; they ought to take out their own provision. It was never intended, when this legislation was introduced, that people engaged in normal sporting activities, either at no payment or at a small nominal payment, should be covered by the legislation.

Mr. Vandepeer: He'd have to have a contract to be considered a workman.

Mr. McRAE: A person who fell within the category of a contract player would be a workman, but one who merely received a gratuity would not, I believe, be a workman within the meaning of our Act.

Dr. Eastick: Was Chaplin a workman?

Mr. McRAE: Yes, he was held to be a workman. He was an insurance consultant employed by the A.M.P. He was a full-time employee of the society, and his annual salary in his last year of service was over $20 000. So, we are looking at a person who was obviously an integral part of the organisation, in the same way as a contract league footballer (Ebert or the like) is an integral part of his club. There is a considerable difference between that case and that of the small-time player—the true amateur.

Mr. Evans: What about a player who receives only $10 a game?

Mr. McRAE: If members took the trouble to research the two cases to which I have referred, they would find that there is a distinction such as I am suggesting. I support the Bill. Regarding the contract player, I believe that the Government has been more than generous to the football league and the soccer association; Those bodies should pull up their socks and, if they do not do so, the old Act should continue. Regarding the amateur player, I believe that the Government is making absolutely clear something that was always intended back as far as 1970. In fairness to the member for Fisher, I will deal with the question of the umpire and other officials. First, I believe that umpires engaged by the league or the soccer association are workmen. The umpire is called on to do much work and is subject to considerable control by the league. If he does not attend the proper training sessions dictated by the panel and undertake the proper exercise courses, and so on, he can be dismissed. The same applies to referees. The member for Fisher inquired about certain of the ancillary people, such as a coach or an instructor of some kind.

Mr. Evans: Or a netball umpire who's paid $4 for a Saturday afternoon.

Mr. McRAE: I understand. If that is that case, that person is really in the same position as the true amateur player who receives some small honorarium, which is really calculated to cover his travelling expenses, and nothing more than that. There is much difference between the person who, because of his kindly nature or love of the sport, umpires a game and is paid a nominal fee of between $4 and $10, and a professional umpire with considerable work to do over a span of time. I think that the honourable member is unnecesarily worried about that case.

The member for Fisher suggested that, somehow or other, there was a problem with the definition of "contract player" in the Bill, but I do not think there is a problem. What the Minister intends, and what has been intended all along, is that the person who, in addition to being a contract player, has another position, shall not fall—

Mr. Evans: There's no conflict in my mind. I'm satisfied with that.

Mr. McRAE: That is how I have always understood it. In summary, I think that the Bill is a good and necessary measure.

Mr. Evans: Do you think it's wise for all clubs and associations becoming incorporated?

Mr. McRAE: If there is a doubt, they should become incorporated. On the other hand, I believe that the honourable member is unnecessarily worried, if he is talking about the true amateur situation where large sums of money are not changing hands. Not unnecessary reliance should be placed on the New South Wales case.

Mr. Vandepeer: Do you consider as workmen umpires who come from the city to the country to matches, and will the Victorian umpires who come over the border to South Australia complicate the issue?

Mr. McRAE: I consider the country umpires' panel to be workmen within the S.A.N.F.L. structure. Those coming from Victoria would be covered by the Victorian legislation in normal circumstances, if that is where their contract of employment is. If the contract was made to

operate in South Australia, the club would have to protect itself. I am pleased to see that the matter will not be left at this stage and that there will be a proper investigation. I believe that, as a result of that, the situation will be clarified because, unquestionably, there has been a tremendous development in these various fields of law in the past few years. I support the Bill.

Mr. ABBOTT (Spence): I, too, support the Bill. Although it has always been known that the Government wanted to ensure that all workers were adequately covered under the Workmen's Compensation Act, it is nevertheless fair to say that no-one envisaged or intended that sportsmen were regarded as workers within the meaning of the Act. However, as a result of the recent judicial decision in New South Wales, and because of the similarity of the definition of "workman" in the New South Wales and South Australian Acts, the Government has taken the necessary and proper action, in my view, to avoid any similar situation occurring in South Australia. I know from my own experience that most clubs have some form of sickness and accident fund, and generally all sportsmen are protected in some way.

Mr. Evans: Not for the minor sports.

Mr. ABBOTT: I am not certain whether that coverage is adequate for every sporting body. I had a cartilage removed from my knee in 1954 as a result of playing football, and my club, South Adelaide (and that club is at the top of the premiership table at present, and no doubt will remain there) paid for my medical expenses and the time that I lost from work. Being married with a young family, I was most grateful to the club for its assistance, as there was no way that I could have afforded the loss of that money. Whether all sporting clubs provide adequate coverage or not, I believe that the New South Wales court decision will do a favour to all sportsmen in South Australia because, as a result of that finding, I am certain that proper and adequate cover will eventually be available.

The Bill has been introduced to protect sporting clubs from the need to provide workmen's compensation cover for players who receive anything by way of workmen's compensation payments from the clubs. Many sporting clubs are in financial difficulties, and this to some degree is the fault of the clubs. Far too much is being spent by many clubs in contract fees, clearance wrangles, purchase of players from other States, coaching fees, etc, and the Minister is to be commended for seeking proper coverage for players. The proposed examination to be undertaken by officers of the staff of the Minister of Tourism, Recreation and Sports, and of the Minister of Labour and Industry will ensure that that aspect is covered. The Bill will operate only until December 31, 1978, and can be repealed earlier if necessary. I support it.

Mr. BECKER (Hanson): I, too, support the Bill, and endorse the remarks made by the member for Fisher and commend him for the depth of his investigation that resulted in his speech in this debate. This legislation emphasises what happens when we have too much legislation and get into such an involved situation that, to carry out a legislative programme to protect everyone, the issues are so complicated that we have to introduce this sort of legislation. As the Minister has said, had the present Act been carried out to the nth degree certain sporting organisations would have been bankrupt. It now brings home the message to all sporting organisations, whether amateur or professional, regarding the problems of public risk as well as the risk to their players.

The Hon. J. D. Wright: That was always there.

Mr. BECKER: Yes, but sporting organisations would be well advised to become corporate bodies in order to protect the committees. The assets of the club can be taken if it is at fault, whereas the personnel of the club cannot be touched. We like to think that true amateur sport is played in this country, and that employers will consider their employees. I was a member of an industry in which competition in relation to the work was keen, and also competition was keen to employ first-class sportsmen and sportswomen. The employer took the risk that, if anything happened to the staff, they were adequately covered under the sickness provisions and there was no loss of wages. Also, the employees did not suffer in any loss of promotion opportunities.

However, 15 to 20 years ago any gifted sports person who was fortunate enough to be selected to represent the State or country suffered in many ways by the actions of some employees. Whilst we are handling one aspect only, I should like to see the situation in which no sporting person would suffer in future when undertaking the activity of his or her desire. I commend the Government on taking this courageous action for the sake of sport, and particularly the two major sporting codes, Australian football and soccer, because it has prevented a situation that could have become embarrassing and could have led to the downfall of those sports. No political organisation could tolerate that situation.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I realise that there is general agreement on both sides about this Bill, and I concede to the member for Fisher that he has examined the situation closely. His speech reminds me of a reply that I gave to a question from the member for Kavel about 10 days ago when he asked why the legislation had not been introduced. I said then, and I repeat, that this is not a black and white situation, because there are some grey areas.

Mr. Vandepeer: He doesn't play for South Adelaide.

The Hon. J. D. WRIGHT: The member for Spence brought that in well, but no doubt South Adelaide will enjoy their top position until they meet Norwood. This legislation is not all that we would like to do, but at this stage it is all we can do, that is, introduce temporary provisions that will guarantee a situation being maintained until an exploratory investigation can be undertaken by officers of my department and those of the Tourism, Recreation and Sport Department in conjunction with both the major leagues and other interested parties (there should be many interested parties) in order to decide what coverage should be provided in future. Apart from that, an important feature of the legislation is that we have been able to get guarantees from the major organisations that there will be a definite coverage for anyone who is involved in an accident between now and when we can determine a more specific type of agreement, or insurance policy, or whatever will cover them.

However, the important message has been lost by all those who have spoken in the debate. I believe that no-one has recognised my real concern. The member for Playford has said, and I agree completely with him, that the major league clubs are well in credit financially and are able to take out workmen's compensation for at least those who are referred to today as contract or paid players. However, it does not stop there, and that is where the member for Fisher followed the thing through to a much greater degree than I think it should go. I refer to the A1 amateur clubs, country clubs, and those bodies that are able to pay a minimum amount, perhaps $10, $15,

or $20 a match. It has been properly put to me that in some cases country clubs are paying much more.

Mr. Evans: Some of the amateur league clubs are.

The Hon. J. D. WRIGHT: I know that some amateur league clubs are paying this, because I know people who have been paid. This is the area in which there is real concern, because some of these clubs are not financial and cannot be compared to major league clubs, which are in a strong financial position because of their assets and their ability to raise funds, an ability which has been given to them by this Government in allowing bingo and raffles. The general concern does not lie there, but is to give some protection and opportunity in the meantime to those clubs that would find themselves almost unable to operate. That is not a sensational statement: we have a file, as evidence of the position, in the department relating to several league clubs. It must be remembered that the league clubs in New South Wales have the ability to raise much more money than clubs in other parts of Australia because they operate one-arm bandits in their clubs, which raise large sums of money.

The Sydney league clubs found that the workmen's compensation legislation did not cover semi-professional or paid players, so they told the New South Wales rugby league head office that the league clubs would resign from the league and not participate that year unless something was done. The South Australian Workmen's Compensation Act is framed in almost the same terms as the New South Wales Act. So far a test case has not arisen in South Australia, but it is possible that it could happen in future. This measure has been introduced to give clubs time to clear up their position and to ensure that country clubs will not have to say that no football will be played this year. We believe the temporary Bill is necessary. I should like the press to make clear (and I am not criticising what the member for Fisher said) that the Government expects all people interested in and affected by the Bill (whether they are league clubs, minor clubs, middle of the road clubs) to attend discussions we will hold in conjunction with officers from the Tourism, Recreation and Sport Department so that the position of this legislation can be cleared up by the middle of next year or by the end of the year and so that this provision can be repealed and no misunderstanding will result and clubs will know where and when the players are entitled to proper protection from injury. I commend the Bill to honourable members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Certain persons not workmen within meaning of Workmen's Compensation Act."

Mr. EVANS: I had intended to move an amendment to line 9 to insert, after "contestant", the words "referee umpire, instructor". The situation is complicated enough now without my doing so and trying to argue with the Minister that those words should be included. I am concerned about individuals being injured, whether they are players or other participants in recreation or sporting clubs, and being unable to get compensation. Likewise, I am concerned about officials who may be providing their service free. I am also concerned about general run-of-the-mill members of the club who may be liable in many cases, even after we pass the Bill, if a person in the club is injured. I raise that point in case of the possibility of court action, and hope that we will all work towards informing clubs and associations to become incorporated. I had hoped the clause would be broader, but I can see the complications involved. As the Bill will operate only until December 31, 1978, I support the clause.

Clause passed.

Remaining clauses (3 to 5) and title passed.

Bill read a third time and passed.

LEGAL SERVICES COMMISSION BILL

Adjourned debate on second reading.

(Continued from April 14. Page 3454.)

Mr. GOLDSWORTHY (Kavel): This Bill has been introduced into the House at a late stage in the session. Of course, some Bills must be introduced at a late stage, so I cannot complain on that ground alone. However, this Bill is not particularly urgent, yet it has been introduced with unnecessary haste. This afternoon I gave notice of my intention on behalf of the Opposition to move that the Bill be referred to a Select Committee to enable the community at large and, indeed, people closely concerned with the passage of this Bill adequate time for consultation with the Government. We are used to the Government's ignoring the Opposition and using its Party political tactic of keeping the Opposition in the dark. The more experienced Ministers offer a degree of consultation with outside groups who are interested in legislation, but the new, fresh, raw Attorney-General apparently does not believe that it is necessary to consult outside groups.

Not only has the Opposition been completely ignored in this exercise, a practice to which we are well accustomed, but also people who are vitally concerned about the passage of the Bill have been ignored. The Attorney-General even as late as today was involved in rather animated discussion with people concerned about the Bill. For the Attorney General to introduce the Bill last Thursday, with minimal consultation (none with the Opposition), seems to indicate an undue haste. Even though the Attorney has had last minute hurried consultations with concerned people, a strong case has been made out for the Bill's being referred to a Select Committee so that interested people and members of this House can have time to come to grips with what the Bill involves. The Government may complain, not validly, that the Opposition seeks Select Committees for several Bills during the course of a session.

Dr. Tonkin: That's very right and proper, too.

Mr. GOLDSWORTHY: I was present in the Chamber during the Commonwealth Parliamentary Association Conference, when a fluent speaker from New Zealand referred to the practice in that country. Much of its legislation is referred to committees, which would be equivalent to our Select Committees, simply for the information of the House. However, in my view it is necessary if the public and other people closely concerned with the Bill are to come to grips with it and to make submissions to the Attorney-General, who obviously has not sought such submissions. That would be the appropriate course of action.

It seems that the Attorney has, at this late hour today, been amenable to suggestions from the Law Society at least. It is a predisposition that certainly was not noted in his predecessor (His Honor Mr. Justice King) on legislation that was dear to his heart, particularly the consumer protection legislation. One could hardly get him to put a full stop where it was needed, let alone to change his mind on any major issue. The

Attorney well knows that I, too, have had discussions with the Law Society, and it seems that he will be willing to make some changes that will make the Bill more acceptable. However, we must debate the Bill as it has been introduced and, as it has been presented, the Bill is not acceptable.

I give due recognition to the services rendered by the legal profession in South Australia over many years, and for the legal aid service which has been provided, largely under the control and auspices of the profession. I agree entirely with the sentiments expressed by the Deputy Premier as spokesman for the Attorney-General, who I understand was in another State when the Bill was introduced. I agree with the sentiments expressed in that part of the second reading explanation.

I understand that South Australia was probably the first in the field in the early 1930's in relation to the provision of legal aid to disadvantaged people and that, moreover, the service that has been provided by the profession in South Australia has been clearly superior to that provided in the other States and certainly to that provided in the more populous States of Victoria and New South Wales. So, at a time when it is contemplated that the legislation under which the legal aid service has been provided will be repealed, it is appropriate that due recognition be given to the work of the legal profession in this regard.

There is to my mind some confusion, and certainly a lack of clarity, about how the new commission, when it is set up, will be funded. I have today been in contact with the appropriate department in Canberra, the office of the Federal Attorney-General, and spoken to one of his officers, to try to ascertain what stage the negotiations have reached. I do not think I was privy to any confidential information, although it is asserted in the second reading explanation that negotiations are proceeding satisfactorily; I do not quarrel with that statement. However, the Minister made the point in the second reading explanation that the Commonwealth Government, under the auspices of the Australian Legal Aid Office, had accepted responsibility for aid in areas covered by Commonwealth jurisdiction. So, the compass of the work of the Australian Legal Aid Office has been somewhat circumscribed. It has dealt mainly with matrimonial matters and matters that have affected returned servicemen, and so on. It seems to me that the bulk of legal assistance in the whole area of criminal jurisdiction has continued to be provided by our legal aid service in South Australia. Judging from the weight of work that, it seems from the press, is before the courts, the bulk of legal work is still provided by the legal aid service in South Australia.

The Hon. Peter Duncan: About 60 per cent.

Mr. GOLDSWORTHY: I would at a guess have made it higher than that, but certainly it comprises the major part of the work involved. The Attorney-General, who I expect will certainly commission the second reading report, complains that the financial burden on the State Government is becoming too heavy. Figures are quoted. We think of some of the rather more exotic trials which the State has financed in recent years and in which appeals have been allowed. One can understand how a fairly heavy charge would accrue. Indeed, in one murder trial the bill got up to, from memory, $250 000.

Anyway, the Government complained in the second reading explanation that the financial load was becoming too heavy for it to carry. It was stated that from 1971 to 1976 the expense of running the service had risen from about $50 000 to over $500 000, which is a 10-fold increase. Having inquired from the Commonwealth office today, I ascertained that the sort of broad agreement that has been reached is that the Commonwealth will continue to finance that part of the operation of the new commission that is encompassed by the Australian Legal Aid Office, and that the State Government will be expected to finance that part of the operation currently being financed by it.

In view of the work load assumed by the State Legal Aid Office, it seems to me that the State Government could not hope to achieve any great saving in relation to the money that it would have to contribute to the scheme. Perhaps the Attorney can explain that this amalgamation will be a great saver of resources. However, it seems to me that overall the amount of legal assistance that will be required will be about the same and, if the Commonwealth Government continues to fund that part of the operation that it currently funds, and the State Government continues to fund that part of the operation which is outside the Commonwealth jurisdiction, there will be no saving to the State. I am not complaining about that; I merely point it out.

I do not think the Attorney-General can claim that one of the valid reasons for winding down the A.L.A.O. in this State is that the Government cannot afford it. That is the impression that I get from the second reading explanation, in which the Minister says that, without financial assistance from the Commonwealth Government, the financial burden of continuing the present service would be more than the State could bear.

The Hon. Peter Duncan: That is the total service.

Mr. GOLDSWORTHY: If that is so, I will modify my comments, because I read into that, from the way in which it was couched, that the State Government did not consider that it was able to find the $650 000, which is I understand, this year's grant for legal aid in this State. I am pleased that the Attorney-General has, by interjection, cleared up that point. I reiterate my first point: it seems to me that there was no great hurry for the Government to introduce this Bill at present. Certainly, negotiations with the Law Society had not until late today reached a satisfactory stage, and negotiations did not seem to me to be particularly far advanced in relation to the contributions from the State and Commonwealth Governments.

However, I will say that the officer in the Federal Attorney-General's office to whom I spoke was reasonably pleased with the idea that a Bill was being introduced and, in all honesty and fairness, I must say that he did not regard with any dismay the fact that the Bill was being introduced. I thought I should tell the House that. However, I am concerned, knowing the way in which the Government operates, that it will seize every opportunity to wield the biggest stick that it can get hold of against the Federal Government and, if it cannot get hold of a stick, it makes up a story. I only hope that the Attorney-General, if the Bill passes (and I have no idea what will happen to it elsewhere), will not use it as a means of exerting pressure on the Commonwealth Government, as is the wont of his colleagues. They take every opportunity to say that things are not at the stage at which they should be, and that it is the fault of the Commonwealth Government. I hope that pressure will not be brought to bear by the Attorney-General on the Commonwealth Government if the Bill is passed and if he seeks to conclude negotiations and blames the Commonwealth Government for any disagreements or delays that occur. I do not think he can blame us for being suspicious, because we have seen it happen time and time again with the Minister of Transport, who,

on every occasion, blames the Commonwealth Government for delays and for failure successfully to complete negotiations. I hope that those negotiations can be brought to a satisfactory conclusion.

Not only should the legal profession be consulted about this legislation, but the public at large, the consumers, also have an interest in it. Today, I received a telegram, as follows:

Considerable concern that legal aid Bill allows possibility of major private practice dominance over legal aid.

I confess that that is a view completely contrary to that put by the people from the Law Society. I have read the telegram, nevertheless, to show that contrary viewpoints apply in relation to the legislation. I shall read it further to indicate that those points of view should be heard, and I advance this as further evidence that the Bill should be referred to a Select Committee, so that people will have an opportunity to put their views. Even though committee members might not accept the evidence, they would have heard it and they would come back with a balanced judgment to inform the House.

The Hon. Peter Duncan: Whom do you support?

Mr. GOLDSWORTHY: We are prepared to support the Bill if it is suitably amended, but in its present form I do not think it is satisfactory. I think some people perhaps have more grounds for concern following experience in other States. From inquiries I have made, I have been told that experience with legal aid, especially in the Eastern States, has not been as satisfactory as has been the experience in South Australia. These people may well have grounds for concern. I do not think that they have the same degree of concern about South Australia, but they are concerned that a Bill is going through this Parliament. Although legislation has been enacted in Western Australia, this could set the pattern for other States. It seems there is some legitimate concern. The telegram states:

Consumer interest protection by SACOSS important but insufficient. This Bill a precedent for other States, therefore of national concern. No proposed Act, ordinance, has better guarantee of non-private practice representation although still insufficient. Our position that at least half commission members non-private practice. SACOSS familiar with our position. Would appreciate urgent response.

It is not possible to give an urgent response to a submission made on the day on which the Bill is debated in Parliament but, if it is referred to a Select Committee, satisfactory inquiries can be made. People can be informed, and those concerned with the Bill can put a point of view. The system in New Zealand works most successfully, and there is far less controversy in that country with legislation, simply because more than half the legislation is referred to what in effect is a select committee of inquiry.

At first reading, as a layman (and I make no pretension of being anything of a legal eagle; in fact, I am a bit scared of lawyers and try to keep away from them as much as possible in a professional capacity), it seemed that we were setting up a fair-sized bureaucracy. My first impression was that there was a commission composed of 10 people, another Government bureaucracy being set up where a smaller amount of machinery had been providing a fairly satisfactory service in South Australia. However, I have been assured by people who should know better than I do that perhaps the commission is not too large. My judgment would have been for a commission of about five people, but those in the profession with whom I have discussed this seem to think it is not overly large. However, they are concerned that, in terms of the Bill, the Attorney-General has complete control of the commission.

Over half the personnel on the commission are appointed on the nomination of the Attorney-General, and I do not believe that that is a satisfactory state of affairs. It has been claimed that the Bill says precious little about the people it is designed to serve, the disadvantaged members of the community. Nowhere in the Bill is it spelt out clearly what it is all about; in fact, the commission is being set up simply to look after people who need legal aid. I believe that the Bill is wrongly titled. I understand the Attorney-General is to move substantial amendments, and I intend to move that the title of the Bill be changed from the Legal Services Commission Bill to the Legal Aid Commission Bill. The Bill is to provide services for people who cannot afford legal services in the normal way. It is a sad reflection on our community that an increasing number of people cannot afford legal services.

The increased complexity of law in this modern day and age seems to make it difficult for the average citizen who becomes involved in litigation to do without a lawyer, and the costs certainly are not low. It has been put to me, quite seriously, that the Bill in its present form could well be used to nationalise the legal profession. From the way in which it has been drafted, changes could be made, and the services provided by the commission could be directed by the commission which is controlled, in effect, by the nature of the composition of the commission, by the Attorney-General to provide service in direct competition with the legal profession.

Dr. Eastick: The aid part of it is only the small tip of a large iceberg.

Mr. GOLDSWORTHY: Nowhere is it clearly spelt out in the Bill that that is what it is about.

The Hon. G. R. Broomhill: Who put that to you?

Mr. GOLDSWORTHY: The same people, I think, who convinced the Attorney-General that the Bill needs amendment.

Mr. Millhouse: Can't you say who they are?

Mr. GOLDSWORTHY: The Law Society. That did not come directly from the Law Society, but I believe that would be the basis of the fears expressed. That was in conversation with a lawyer, not directly from the Law Society, to the effect that people are concerned at the width of the Bill and the lack of definition of what it is all about. I hope that the Attorney-General, in some of his amendments, will seek to make more clear what it is about. There are objections to some clauses of the Bill. It should be made clear that the officers of the commission have equal standing with private legal practitioners, and have the same rights, obligations and disciplinary proceeding. I believe there was some difficulty when an officer of the Australian Legal Aid Office was refused the right to appear before a magistrate in a certain case. This is a situation that could not be tolerated in any commisson set up to provide legal aid.

The objection has been taken, and I agree with it, that the term of office of members of the commission is not specified. The Attorney-General could appoint his nominee for not exceeding three years anytime and this is undesirable because, if a commissioner is to have any independence at all, he must feel secure that he has been appointed for some term. After discussions with people involved in legal work, I intend to move an amendment in relation to the tenure of office of members of the commission. This, again, weakens the independence of the commission. The fact is that the Attorney-General already in terms of this

Bill has control of the commission because, by varying a term of appointment, he could put duress on the commission to make it do what he wants, so there should be some fixed tenure of office for members of the commission. I understand that in the case of the Health Commission and other commissions set up by the Government, there has been an insistence on a fixed term of office. Clause 16(*b*) of the Bill is unsatisfactory. I believe there is some implied discrimination in relation to the aid given to disadvantaged persons. That provision reads:

> Legal assistance under this Act shall be provided—
> (*b*) by legal practitioners engaged by the commission for that purpose.

The word "engaged" should be struck out and the word "assigned" included, because it is the function of the commission to assign legal aid to a disadvantaged person. The officer of the commission should then act towards the person being assisted in precisely the same fashion as he would in private practice if an individual engaged him to act for him. The way this clause reads the lawyer is acting for the commission, and the commission should have nothing whatsoever to do with a case. It is the function of the commission to assign legal aid to the disadvantaged person, and the word "engaged" is completely inappropriate in this context.

These blemishes occur in the Bill. There is a lack of definition as to what the Bill is about. I think the Government should see the wisdom of sending this Bill to a Select Committee. It is not clear what the Bill is all about, and it is also not clear just what financial arrangements will be made with private practitioners who serve the commission. That is no doubt an area of negotiation that the Attorney-General will have to prosecute satisfactorily in the future.

The Hon. Peter Duncan: You're not going to take that mantle up.

Mr. GOLDSWORTHY: I am not the Attorney-General of South Australia, but I certainly would not baulk at the hurdle if I were in that position.

The Hon. Peter Duncan: The Law Society must have put that to you, too; they put everything else to you.

Mr. GOLDSWORTHY: Most of this was not put to me. The Law Society spoke to me after speaking to the Attorney-General. The Attorney-General was well aware of that. There is nothing clandestine about the Law Society's actions in this matter; it has acted in an entirely professional way. It refused to talk to me until it had discussed the matter with the Attorney-General. I think the Law Society acted with complete propriety, so I do not know what point the Attorney-General is trying to make by that interjection. When I spoke to the Law Society I was told it was seeking an appointment with the Attorney-General this afternoon and that it would talk to me after that discussion. Moreover, this point was not mentioned to me by the Law Society.

It happens that we have lawyers in the Upper House with whom we converse. I would be less than sensible if I did not discuss this matter with people who have expertise in the legal field. I do not know what the big deal is that the Attorney-General is making about this matter. Reference is made in the Attorney's speech to the level of payment. I know the setting of fees might be a touchy subject because professional people all become touchy when it comes to the setting of fees.

Mr. Millhouse: Not only professional people.

Mr. GOLDSWORTHY: The member for Mitcham is very touchy about this. He is vocal about Parliamentary salaries, but I have not heard him knock back a legal fee increase yet. The Law Society in South Australia has been receiving 80 cents in the dollar for its efforts in relation to legal aid. The Australian Legal Aid Office fee is 90c in the dollar; I think that is acknowledged in the second reading explanation. There is no mention in the Bill or in the explanation of what the level of recompense will be.

The Hon. Peter Duncan: There is none in the existing Legal Practitioners Act, either.

Mr. GOLDSWORTHY: I am not suggesting that it should be in the Bill, but that is an area that is obviously to be negotiated, as indeed are the details of the arrangements with the Federal Government. I make no apology at all for mentioning that.

Dr. Eastick: How long has it been at that level?

Mr. GOLDSWORTHY: I understand they did agree on this. I think that was mentioned in the second reading explanation as follows:

> In October, 1975, when the payment of 80c in the $1 was in doubt a majority of the profession, at one of the most memorable meetings I am sure the Law Society has ever held, agreed to continue to provide legal assistance even if the payment of 80c in the $1 could not be maintained.

That is the agreement that has existed for some time, but because some difficulty was being experienced that matter was discussed.

The Hon. Peter Duncan: There has never been an agreement between the Government and the Law Society; it has been an arrangement between the Law Society and its members.

Mr. GOLDSWORTHY: Yes. The Law Society has been charged with administering the scheme. That is the point I was making when looking at the size of the commission. As a layman not versed in the intricacies of the law, the commission seemed to be a bit top heavy to me when I considered the service provided by the legal profession very successfully in South Australia for a long time. This Bill needs much amendment. I understand that the Attorney-General is prepared to amend the Bill quite substantially, and I will be interested to see what those amendments are.

The Hon. Peter Duncan: There's a copy in front of you.

Mr. GOLDSWORTHY: They must have turned up recently.

Dr. Eastick: It would be better to have them after a Select Committee.

Mr. GOLDSWORTHY: Of course, because these amendments have been drafted during the dinner adjournment.

The Hon. Peter Duncan: That's not true. You're amendment may have been though.

Mr. GOLDSWORTHY: The Attorney-General has more ready access to the Parliamentary Counsel than we have. Certainly at lunch time today they were—

The Hon Peter Duncan: No.

Mr. GOLDSWORTHY: My understanding was that at lunch time today the Law Society certainly was not pleased with the Bill. It had an appointment with the Attorney-General this afternoon, and arranged to see me later. As a result of that meeting this afternoon, the Attorney agreed with some of the points of disagreement the society had to the Bill. The Bill should not have been introduced as hastily as it has been. There was inadequate consultation with the people concerned. It is certainly not in the interests of the public that legislation is introduced in

this fashion without consultation with the people concerned. I still firmly believe that much could be achieved by referring the Bill to a Select Committee and, for that purpose, I am willing to suport the second reading.

Mr. MILLHOUSE (Mitcham): I do not know how much or how little the member of Kavel has said about the Bill, because I was not in the Chamber when he began to speak. I supporting the second reading, but I would prefer that the Bill be referred to a Select Committee. It is fair to say that that is the feeling of the profession as well. There is no need to race this Bill through from its point of view. It would be better to get the Bill right than to hurry it through, only to find that it needs amending. For that reason, I intend to support the move by the member for Kavel for the appointment of a Select Committee. I appreciate that the Attorney is keen to get the Bill out of this House this evening and upstairs, with the hope that he can get it right through Parliament before we prorogue next Thursday, thus making it another first for South Australia.

The Hon. Peter Duncan: Western Australia has already done it.

Mr. MILLHOUSE: We know about the West Australian Bill.

Mr. Mathwin: If it goes to a Select Committee, we might have to redraft the whole Bill.

Mr. MILLHOUSE: I do not think that the Bill is as bad as that, although the member for Glenelg might think that. Regarding Western Australia, I will read the first paragraph from a report in the latest *Legal Service Bulletin* entitled "1977 and beyond the new legal aid ordinance". I apologise to the Liberals for this because they might not like it too much. The report states:

1976 was not kind to legal aid or to Bob Ellicott. After more than a year in office, Ellicott's progress in persuading the States to go along with his "new federalism" proposals and take over the A.L.A.O. is almost imperceptible. His only achievement to date is inducing Western Australia to rush through legislation in a form which he has since disowned and which, if implemented, will give that State the distinction of possessing the worst legal aid scheme in Australia. Ellicott's other achievements are negative ones.

The report goes on to say how he has cut down on various things. I do not think that the Attorney is too much deterred by Western Australia; he wants to get the Bill in first. I suggest that that is not really important. It might inflate his ego, but it is better to get the Bill right. I would prefer that we proceed with less haste and more speed, and refer the Bill to a Select Committee. I know that the President of the Law Society and, I think, one other member has spoken to the Attorney today. I have seen the President within the past half and hour and have gone through the amendments that are on file. I will not talk about the amendments now, but I have studied them with the President. So far as they go, they are all right. The society circulated to members of the society who are also members of Parliament (and I think they also sent a courtesy copy to the Attorney, who is not a member of the Law Society)—

The Hon. Peter Duncan: I am an *ex-officio* member.

Mr. MILLHOUSE: Only of the council of the society. The profession recalls that five or six years ago the Attorney resigned as a member of the society and has never rejoined.

Mr. Gunn: Do you think they miss him?

Mr. MILLHOUSE: No, he is not missed, but that is by-the-by.

Mr. Goldsworthy: Why did he resign?

Mr. MILLHOUSE: I have no idea, and that is a matter for the Attorney.

The SPEAKER: Order! Whether the honourable the Attorney is a member of the Law Society has nothing to do with the Bill.

Mr. Gunn: I think it's pertinent.

The SPEAKER: I do not think so. I have made that statement, and the honourable member for Eyre must remember that.

Mr. MILLHOUSE: I entirely agree with that, Mr. Speaker, and it was probably improper of me to mention it. Whatever his reasons for resigning were, that is the Attorney's private business, and it has nothing to do with any of us. I have a copy of the letter sent by the society to the Attorney, as follows:

Dear Mr. Attorney, Thank you for the opportunity of discussing the draft Bill with you today. I am sorry that we have not had sufficient time within which to analyse its contents fully.

The society is a bit sore that it was not included a little earlier in the process of consultation when the Bill was being drafted. That, again is a matter for the Attorney, and was his decision.

Dr. Eastick: It's like the case of the Legal Practitioners Act upstairs.

Mr. MILLHOUSE: Perhaps. I do not want to make political points; I want to ensure that we get a good Bill. The letter continues:

Fortunately, a special meeting of the council of the Law Society had been arranged for today on the question of costs; accordingly I took the opportunity of raising the question of the Bill at this special meeting. At this preliminary stage it is considered that there are six identifiable areas of major importance.

They are:

(1) There is representation on the commission in accordance with my council's resolution of July 7, 1976.

I do not know what that was. The letter continues:

(2) The profession is assured of a payment of 85 per cent of normal fees.

(3) The Bill is restricted in operation to the provision of legal assistance to necessitous persons.

(4) There are adequate provisions relating to professional practice imposed on the employed solicitors of the commission and on the Director.

(5) The commission has independence of the Government.

(6) The Australian Legal Aid Office is discontinued.

In view of what the member for Kavel said about the A.L.A.O., I will finish reading the letter by quoting the final paragraph as follows:

I should mention the last point relating to the A.L.A.O. as that was not mentioned at our conference. The society views the commission as a merger of the society's Legal Assistance Fund and the A.L.A.O. The Bill presently allows for the acquisition of the assets and liabilities of the Legal Assistance Fund, but no mention is made of the A.L.A.O. whatsoever. To avoid any suggestion of the commission operating contemporaneously with the continued operation of the A.L.A.O., a provision should be inserted to the effect that the Bill will only come into operation upon the discontinuance or the abandonment or the merger (as the case may be) of the A.L.A.O. In addition to receiving the unanimous support of my Council on the six matters referred to above, my Council further gave to me the discretion to raise and discuss with you such other matters of principle or matters of detail or drafting as circumstances determine. We are very concerned at the shortage of time at our disposal to consider the Bill and we request that the passage of the Bill be deferred until you have let me have the opportunity of further discussing these matters with you.

It is significant that the resolution of the council last Monday evening was a unanimous resolution. It is unusual, I am told (and I used to go to council meetings when

I was Attorney, but I have never been an ordinary member of the council), for there to be unanimity on a matter such as this. Of course, the Attorney (and I give him his due) discussed the Bill with Maurice O'Loughlin this afternoon.

The Hon. Peter Duncan: And before that letter was sent.

Mr. MILLHOUSE: Did you? Certainly the Attorney-General did that this afternoon and, as a result, he has agreed, as I understand it, to most of the matters the Law Society put in that resolution.

Mr. Goldsworthy: Not a very satisfactory way to deal with legislation—to introduce it and then bring in a whole heap of amendments.

Mr. MILLHOUSE: The member for Kavel should remember that we are in opposition.

Mr. Goldsworthy: Not to one another, are we?

Mr. MILLHOUSE: It often appears to me that the honourable member spends more time opposing me than opposing the Labor Party, but I may be wrong in that.

Mr. Goldsworthy: Perhaps it's the other way around.

The SPEAKER: Order! This discussion has nothing to do with the Bill.

Mr. MILLHOUSE: What have been circulated in the Chamber are copies of the amendments that had been agreed to before the letter was received by the Attorney. So far as I can see, they are not a complete set of amendments that will satisfy all the points made by the Law Society. The most important point to me is the restriction operating on the provision of legal assistance to necessitous persons. The member for Kavel is correct: at present there are no restrictions on who can be assisted, and I understand the Attorney-General has given an assurance, and it can be generally accepted, that at present he does not propose to nationalise the profession by means of this Bill. Theoretically, it could be done, I am told. I believe that there should be a restriction on the ambit of the Bill to aid for those in necessitous circumstances. I understand that there is a second crop of amendments, which will come in another place, and that the Attorney wants the Bill through with these amendments and then shove in the others upstairs.

I shall be happy if he will give an undertaking on the question of the restriction of the ambit of the Bill to aid for necessitous persons. I know, because it has been put to me by the Attorney and also by someone else not a member of the profession, that there should be provision for assistance to bodies such as the Conservation Council or other bodies, which for certain purposes need legal representation that is more than they can pay for. The example put to me, and one to which I was sympathetic because I was involved, was when I went to the Ranger inquiry last year representing the Conservation Council. There should be provision for aid in such circumstances: in fact, there was provision last year and it worked out happily.

The Hon. Peter Duncan: Through A.L.O.A.

Mr. MILLHOUSE: Yes.

The Hon. Peter Duncan: But that has *carte blanche.*

Mr. MILLHOUSE: Yes, and that is one of the things that the society does not like, although I know that the Law Society was willing to give assistance if A.L.O.A. did not. I was told that it was, and I accepted it. I believe there should be a set of exceptions to the general rule that this is only for necessitous persons, and that provision should be included. It is not among these amendments and, unless such an amendment is included, I would object to the Bill. I am content, because I know what will happen (we will not get a Select Committee), to take an undertaking from the Attorney that this matter will be considered in another place so that the Bill will be referred back to us for confirmation.

I think the Attorney will be happy to give that undertaking, because he knows what will happen in another place. He does not have a majority there, and the gentleman with the casting vote is a member of the legal profession. It should be obvious which way the President will vote. However, I give the Attorney his due because, from what I understand, he has been co-operative, reasonable, and conciliatory in the past few days since the Bill was introduced, but the Bill is not right. I hope the Attorney will reply to the debate, and I would especially like information on the question of the restriction to necessitous persons.

Dr. EASTICK (Light): It is because the Attorney will reply to the debate that I pose the following questions, because I think it is important that we know why the massive increase in the funds that the State Government is finding has occurred. I relate this not to the odd cases when a massive appeal to the Privy Council or the High Court has increased the costs. It is like the Premier referring to succession duties and saying that, if there are several good deaths, the returns are increased, and in this case if there are several expensive court cases the costs go up. I relate it to the various new schemes of appeal that exist now as a result of legislation that has been passed.

The Hon. Peter Duncan: It is because of the payment of 80c in the $1 as against 25c that used to occur previously.

Dr. EASTICK: I question whether that is the total answer, because of the experience one has of the number of people coming into electoral offices who find themselves in much difficulty as a result of actions of the Government in planning, water resources, or whatever. It is in relation to water resources especially that I should like to ask questions of the Attorney. As reported on page 647 of *Hansard* on August 17, 1976, I asked why, pursuant to the notice at page 326 of August 5, 1976, issue of the *Government Gazette,* a certain person had been nominated as Acting Chairman of the Water Resources Appeals Tribunal, what expertise other members provided, and whether consideration was given to persons who had knowledge and experience as dryland growers. The Minister of Works replied to those questions, but subsequently, because of problems people were having concerning water quotas, I asked a further question, which has been reported at page 1429 of *Hansard* of October 12.

The SPEAKER: Order! Up to date the honourable member has been speaking at length, but so far he has not tied in any statement with this Bill. I trust he is leading up to it, but he is taking a long time.

Dr. EASTICK: It may be your opinion, Mr. Speaker, that it is a long time, but I believe it is necessary that criteria for the questions be determined, and that is what I am doing. The questions arose in relation to the Water Resources Appeals Tribunal. Questions had been asked, and subsequently, on October 12, 1976, I asked another question of the Minister of Works, as follows:

Is it intended that appeals to the Water Resources Appeals Tribunal be conducted on a simple, inexpensive basis similar to the procedure that prevailed under the previous appeals board?

To that question the Minister replied, "Yes." I have no argument with that if that was to be the course of action, but any member who has constituents involved with water quotas will know that most appeals before that tribunal have required legal representation. Many people seeking recourse before that tribunal go to the Law Society, or try Legal Aid but are then directed to the Law Society for assistance in appearing before the tribunal. The question becomes pertinent as to whether several of the actions taken (I am referring to one area only, and there are others) concerning appeals mean that people are being forced into an appeal that requires legal assistance. I ask the Minister how much of the Budget allocation of $685 000 expected for 1977-78 has arisen because people have to seek legal aid. I do not wish to pursue the matter in other directions, but it is pertinent to the position that we are creating a Legal Services Commission to provide this service for people in the community who are in necessitous circumstances. I have always been in accord with that. I appreciate the work the profession has undertaken. I believe that the Attorney would accept that members of all the professions in this State undertake a series of gratuitous activities for the community, more particularly for people who are in necessitous circumstances. I can certainly speak for my own profession in that regard in the scheme we have in association with the Royal Society for the Prevention of Cruelty to Animals. I should like the Attorney in reply to indicate whether his officers or he have been able to determine from the documentation available the degree of extra work load that is occurring because of the appeals people are being forced into.

The Hon. PETER DUNCAN (Attorney-General): Funds have increased quite significantly since 1971 because the Government has tried to pay to the Law Society sufficient funds to enable it to pay its members about 80c in the $1. There is no agreement between the Government and the Law Society to do that. In fact the agreement is between the Law Society and its members. The society undertakes to handle legal aid work on the basis that its members will be paid 80c in the $1. Primarily, that is why funds from general revenue have increased significantly. Before 1970 the amount paid in the $1 was 25c, and that 25 per cent did not involve the same amount of money that paying 80 per cent of full legal costs involves. The Government has been generous in allowing that sort of funding to the scheme.

We appreciate the work the Law Society and its members have done over the years and, as a result, have tried to give them reasonable recompense for the work they have done. Some marginal increases may be involved in the amounts paid for legal aid for people who sought legal aid for appearances before boards, commissions and the like. I shall be only too pleased to take up the matter raised by the member for Light with the Law Society to try to ascertain the figures for him, because he has raised a point that should be investigated.

Regarding the Bill itself, the comments made by Opposition members were particularly interesting, because those members are caught in a dilemma which they are finding confronts them more and more as their Federal colleagues increasingly exercise their powers in Canberra. It is amazing that members opposite are willing to oppose the Bill and try to delay it when, after all, the Bill is before the House and is being promoted here because the Federal Attorney-General has given the clearest indication that he intends to dismantle the Australian Legal Aid Office at the first available opportunity.

Several times he has said that that is the overall policy of his Government. He has invited the States to enter into negotiations with him to set up legal aid commissions in the States. The idea behind this Bill is the brainchild of the Federal Liberal Attorney-General. That is where the pressure is emanating from to set up the commission in South Australia. This measure was not dreamed up by the State Labor Government. It is on record that it is his scheme we are being asked to accept: it is his scheme that the Government has been willing to consider and adopt in the circumstances.

I am not particularly anxious to set up a legal aid commission in South Australia, although it certainly would benefit in some way the people of this State. The benefits are that it creates one-stop shopping for legal aid, some uniformity in the provision of legal aid, and savings that should be possible in the administration of the scheme because we should be able to set up offices in rural and metropolitan areas to provide a much better coverage for the people of South Australia than they have now. Certainly, advantages exist for us, but positive disadvantages exist too. Through the Law Society we have a scheme, as the member for Mitcham has said, which has ben easily the best legal aid scheme in Australia. Several times I have conceded that point.

Mr. Goldsworthy: You don't think this scheme will be good?

The Hon. PETER DUNCAN: It will be better.

Mr. Goldsworthy: That's not a disadvantage.

The Hon. PETER DUNCAN: It is a disadvantage because South Australia now has a scheme that works satisfactorily. South Australia is not in a position where it must go along with Federal Government requests and demands. The only reasons for going along with the scheme are that, if the Federal Government closes down the Australian Legal Aid Office, legal aid will deteriorate markedly in South Australia and we would have cause for concern. It is that sort of pressure that has induced me to consider the position and to agree to the basic precepts put forward by the Federal Attorney-General. The second matter raised by members opposite is the suggestion that the Bill is being rushed through the House without the Government's having sought submissions and without its having consulted with anyone. For the benefit and interest of members opposite, I inform them that the Government set up a working party to look into the creation of a legal aid commission.

The committee consisted of five members, two of whom represented the Law Society. If that is not an example of this Government's seeking submissions, going to the Law Society and asking for its views on the matter, and generally operating open government to allow the society to express its views on the matter, I do not know what else is. How far further could the Government have gone? The report of the working party was prepared some months ago and provided the basis for this Bill. The Bill does not follow the working party's report in all aspects, but the fundamental points that were thrashed out by the working party have been followed closely in it. To suggest that the Government has not consulted with the Law Society is pure poppycock.

It is well known in this House how the Law Society operates regarding legislation that concerns it. The society comes to the Government to see what concessions it can get from the Government. When the members of the society have got all the concessions they can get, they go to the Opposition and seek to have the Opposition put forward the rest of their case. That is well known as

their method of operation. I do not particularly criticise them for it. I suppose that, if I were in their position, I would do exactly the same thing. They have members and interests to represent, but I think it ill-behoves the Opposition not to recognise that fact and to allow itself to be used in the fashion of a mouthpiece for an outside interest group.

The Hon. G. R. Broomhill: A tool.

The Hon. PETER DUNCAN: Yes. I believe that there have been thorough consultations with the Law Society in this matter. Its members expressed concern on a number of matters, initially concerning the proposal to set up a legal aid commission, and subsequently concerning the Bill. I have listened carefully to those amendments. Where I have believed them to be constructive amendments I have undertaken to the Law Society that the Government will accept them. In other instances I have explained why we will not accept its amendments. I do not know whether honourable members have seen a copy of the letter I forwarded to the Law Society in answer to the letter of April 18, to which the member for Mitcham referred. I wrote to the President of the Law Society and expressed in some detail the reasons why the Government could not accept some of the propositions put forward in that letter, and indicating that it would accept other propositions.

The member for Mitcham has raised one matter I think in principle about which he is concerned, and that is the question of who should be able to seek aid from the commission. The Government accepts that basically the commission should provide legal aid for people in necessitous circumstances. There is no disagreement between the Government and at least the member for Mitcham on that matter. However, another and quite important group in the community should be able to seek legal aid, and it is the Government's desire that, if this commission comes into existence, all legal aid in South Australia except that provided through the Aboriginal Legal Rights Movement should be provided through the legal aid commission. The groups in the community with which we have to concern ourselves are groups of individuals and societies wishing to have representation at boards and committee meetings, before courts, in actions where the public interest is involved.

It is important that those groups should be able to obtain legal aid. It is not possible to list out all of those groups, because it is a fluctuating thing; things change from time to time. Honourable members well know that three or four years ago environmental questions were not of great moment. The suggestion that the member for Mitcham, in his professional capacity (as he likes to refer to it), should have been funded to appear before the Ranger inquiry probably would have got short shrift about four or five years ago. Now it is considered right and proper that organisations such as the Conservation Council of South Australia should receive some assistance to be able to represent the interests of conservationists and people interested in such questions before such boards.

I have had representations concerning this Bill from the Women's Electoral Lobby, the members of which were concerned that matters would arise from time to time where there would be committees of inquiry, court hearings, and so on, involving the rights and interests of women. They believed that they should be able to apply in proper circumstances to the commission for assistance. I have had representations from SACOSS, from consumer groups, and from the tenants union, all concerned that their particular organisations (or individuals thereof) should be able to obtain legal assistance in proper circumstances. I believe that they have a right to that, and this Government believes that it is proper that they should be able to apply to this commission, which will be able to set down criteria for dealing with those applications to ensure that aid is provided in particular cases.

I am happy to indicate to the member for Mitcham that this matter will be looked at in another place in an endeavour to find a formula to cover the whole situation. I am sure that, as I have explained the difficulties, he appreciates the problems the Government sees in this area. We do not believe that we can set out in exhaustive fashion every organisation that potentially will come along seeking aid or every cause that one might want to aid. It is a difficult problem of drafting. We will look at the matter, and I am hopeful that we will find a satisfactory formula to deal with the problem.

The Deputy Leader of the Opposition raised the matter of tenure of office. The reason why that provision is in the Bill in the fashion in which it has been presented is that the Law Society, as I understand it, on the working party expressed the desire that the members of the commission should be appointed for varying terms so that one-third of the members of the commission would retire annually.

Mr. Goldsworthy: You want to spell that out.

The Hon. PETER DUNCAN: The Law Society is happy with this. I have explained the Government's intention and it has accepted that as being the Government's intention. It is in *Hansard*, on the record, as the Government's intention. I would think that is sufficient. The Deputy Leader of the Opposition raised the question that more and more people seemed to be seeking legal aid. I suggest that the reason that more people are seeking aid is not that more people are in need of legal aid but that more people are aware of their rights to legal aid these days than was the case previously. The result is that the demand for legal aid services provided by the Law Society and the Australian Legal Aid Office has increased substantially. I do not believe it is that more people are in needy circumstances, although certainly the economic policies of the Fraser Government are not helping in that regard. Nevertheless, basically it is that more people understand that they have a right to legal aid, more people are now exercising that right, with the result that more legal aid is being granted.

I believe the Bill as introduced will set up a very satisfactory legal aid service in South Australia. I believe that it should be referred to as the Legal Services Commission Bill, to get away from the attitude of charity that pervades the use of the word "aid"; everyone assumes that aid is associated with charity. This Government believes that, as far as possible, we should get away from that concept, and that is why it has chosen the term "Legal Services Commission". It is for that reason and that reason alone. Before I went abroad recently, we had intended to refer to the Bill as the Legal Aid Commission Bill, but the trend in Canada and the United States of America is to get away from the use of the word "aid" in this area. I think it is a desirable trend, and that is why we have decided to refer to the Bill and the commission as the Legal Services Commission Bill and the Legal Services Commission.

Bill read a second time.

The Hon. PETER DUNCAN (Attorney-General) moved:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr. GOLDSWORTHY (Kavel): I move:

That Standing Orders be so far suspended as to enable me to move, without notice, that this Bill be referred to a Select Committee.

I believe that we have had ample evidence during the past hour or so of the necessity for the Bill to be referred to a Select Committee. We have been given notice by the Attorney-General of pages of amendments that he intends to move to this Bill. We are told that he will not be able, even after moving those amendments, to make here all the changes desired, but in fact will have to use the services of the Upper House to bring this Bill into something like a satisfactory condition. The fact is that there has not been adequate consultation about this Bill with the people concerned. Moreover, we have heard in the last few minutes a whole new aspect not mentioned in the second reading speech—that the legal services, as the Attorney prefers to call them, will be made available to all sorts of groups other than individuals in the community. That is the first time that that matter has been canvassed in this debate. I believe that the Opposition made it abundantly clear that its main objection to the Bill was that there was no clear definition in the Bill of what it was all about. I was under the impression that it was to give aid to people in necessitous circumstances and if the Attorney-General is so sensitive about the use of the word "aid" he is very sensitive about the whole compass of the Bill, because that is what it is all about.

Only tonight we first heard about the Women's Electoral Lobby and other pressure groups having access to the services of the Legal Aid Office. I think those people should have the opportunity of appearing before a Select Committee to put their point of view. Maybe that should be spelt out in the Bill. There was no hint of that in anything said earlier. The reason why the Opposition believes the Bill should go to a Select Committee is that it is not clear in the Bill what it is all about. The Opposition made perfectly clear that it believes the Bill should be directed towards the provision of legal aid to people in necessitous circumstances. The Bill does not make that clear, and we do not know that the amendments will make it clear.

The Attorney is trying to suggest that the current situation is quite satisfactory, but he wants to blast the Federal Government because it is seeking to avoid duplication. On the one hand he is applauding that, and on the other hand he is saying it is not satisfactory. The whole Bill is certainly not clear and I believe there is strong argument for a rational discussion of the Bill because any amendments to be moved should, as a matter of principle, be moved in this House before the Bill passes this House. I think it is unreasonable and improper for the Attorney-General to expect this House to pass a Bill that it is suggested is not to the liking of the Government, for this House to pass a Bill with which it is not satisfied in the hope that another place will move further amendments to bring the Bill into line with the Government's thinking.

Obviously the Government's thinking has undergone dramatic change even this afternoon. We have been given further insight into the Government's thinking as late as the Attorney's reply to the second reading debate. I am gratified that the member for Mitcham agrees with the Opposition that this Bill has been rushed in with undue haste. Despite the ill-founded criticism of the Federal Government, there is no pressure from the Federal Government as I know from my conversations with it today, that the Attorney bring the Bill in at this time. The Federal Government is prepared to negotiate with the Attorney-General and to come to a satisfactory conclusion. It is not opposed to the Bill, but it is disturbed to know that it has not been thought out and that there is some confusion in relation to the negotiations with the Law Society. I hope that the House will see the wisdom of referring this matter to a Select Committee.

The Hon. PETER DUNCAN (Attorney-General): The Government does not intend to accede to the Opposition's motion that this matter be referred to a Select Committee. This is another example of the Opposition's endeavouring to delay and defeat Government legislation at every possible opportunity. This is a Bill that the Liberal Federal Attorney-General wants to get through this Parliament as quickly as possible. Contrary to what the Deputy Leader said last Thursday, in Sydney, I spoke of the Federal Attorney-General concerning this matter. He indicated to me that he hoped that the commission would get under way, if not by June 30 then certainly by September 30. For that to happen much work needs to be done between now and then. It is essential that the Bill go through this Parliament during the current session.

The Government believes that the Bill is in a satisfactory condition. There are some amendments, as the honourable member has indicated, that will be moved in Committee, but the Bill is basically a good one and should receive the support of this House. There has been consultation with the parties who are vitally interested in this matter, and the Bill is now in a form where there is broad agreement among a number of groups concerned with it. It should proceed through this House this evening and to another place at the earliest possible time.

The House divided on the motion:

Ayes (20)—Messrs. Allen, Allison, Becker, Blacker, Boundy, Dean Brown, Coumbe, Eastick, Evans, Goldsworthy (teller), Gunn, Mathwin, Millhouse, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

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

Pairs—Ayes—Messrs. Arnold and Chapman. Noes—Messrs. Jennings and Wells.

Majority of 1 for the Noes.

Motion thus negatived.

In Committee.

Clause 1—"Short title."

Mr. GOLDSWORTHY: I move:

Page 1, line 5—Leave out "Services" and insert "Aid".

I think I have made clear that one of the major objections the Opposition has to the Bill is that it does not spell out that it is concerned with providing legal aid to people in necessitous circumstances. I do not know why the Government has resiled from the true intention of the Bill or why it has shied away from the term that has been widely applied and understood for many years. The Bill is basically concerned with legal assistance to disadvantaged people, although in his reply to the second reading debate the Attorney said for the first time that the commission may be able to provide legal assistance to groups that wanted to place submissions before tribunals and the like. That may give some credence to using the term "services". As the Bill is concerned with providing legal assistance to people who cannot afford to use normal channels, that is what the title of the Bill should spell out. I hope that the Committee will accept my amendment.

The Hon. PETER DUNCAN (Attorney-General): The Government does not accept the amendment, but I do not know that I want to waste the Committee's time by explaining again why the amendment is not acceptable to the Government. I thought that, when I explained this matter before, the Opposition Deputy Leader indicated that he acknowledged the rationale behind the Bill. It is highly desirable that a commission such as this one should not be tainted—

Mr. Goldsworthy: It's not tainted.

The Hon. PETER DUNCAN: Whether or not the Deputy Leader likes it, it would be a taint on a commission such as this to have connotations of charity applied to it. I am surprised that the Opposition is taking such a pedantic attitude in this matter.

Amendment negatived; clause passed.

Clauses 2 to 6 passed.

Clause 7—"Terms and conditions of office."

Mr. GOLDSWORTHY: I move:

Page 4, lines 38 to 41—Leave out subclause (1) and insert subclause as follows:

(1) Subject to this Act—

(*a*) the Chairman shall hold office for a term of five years; and

(*b*) any other appointed member shall hold office for a term of three years,

and upon the expiration of his term of office shall be eligible for re-appointment.

I believe that this is an important amendment. In his explanation the Attorney said that he had left it open because he wanted officers to follow a pattern of rotation, but that is not made clear in the legislation. As the Bill stands the Attorney could appoint a member for two months of for a week, because no time is specified. It is shown in other legislation and should have been spelt out in this.

The Hon. PETER DUNCAN: The Government opposes the amendment. In my second reading reply I stated that the Government intended to proceed with the provisions of the Bill, as we believe the members of the commission can be rotated and that one-third of them can retire annually. We have given an assurance that this is what we intend.

Amendment negatived; clause passed.

Clauses 8 and 9 passed.

Clause 10—"Functions of the Commission."

The Hon. PETER DUNCAN: I move:

Page 6, line 16—After "co-operate" insert "and make reciprocal arrangements".

This amendment is intended to ensure that the valuable co-operation that occurs at present between A.L.A.O. officers in the States is not lost.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 6, line 20—After "basis" insert "and under professional supervision,".

This amendment ensures that law students will be supervised in their work with the commission.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 6, line 22—Leave out "with the approval of the Treasurer,".

The Law Society suggested to me that schemes such as its Legal Advice Service are funded out of legal assistance funds and, as it desired that that scheme should continue, a contribution should be made. It is considered that such grants, though only of small sums, should be made periodically and can be made out of the commission funds rather than being referred to the Treasurer.

Amendment carried; clause as amended passed.

Clause 11—"Principles upon which the Commission operates."

The Hon. PETER DUNCAN: I move:

Page 6, line 37—Leave out "take into account" and insert "have regard to".

I understand that this amendment is as a result of a debate in the Parliamentary Counsel's office, and the Government supports it.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13—"Power of delegation."

The Hon. PETER DUNCAN: I move:

Page 7, line 4—After "Act" insert the following: other than—

(*a*) the power to determine the criteria upon which legal assistance is to be granted;

(*b*) the power to hear and determine appeals; and

(*c*) the power to expend moneys from the fund

This amendment limits the power of delegation, and is self-explanatory.

Mr. GOLDSWOTHY: It is not self-explanatory, and it is not clear from the Bill what the guidelines will be for the criteria. I understand that the commission will keep the power to determine that criteria. The Attorney said that the function of the commission will be considerably wider than is encompassed by the legal aid service, and I assume that this is the proper clause on which to question the Attorney about the criteria used to determine legal aid, not so much to individuals but to organisations such as the Women's Electoral Lobby and others.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Employment of legal practitioners and other persons by the Commission."

The Hon. PETER DUNCAN: I move:

Page 8, line 21—Leave out "an" and insert "a full-time" and after "engaged" leave out "full-time".

The amendment ensures that officers of the society employed part-time can be considered in the transfer of employment.

Amendment carried; clause as amended passed.

Clause 16—"Legal assistance to be provided by the Commission and by private practitioners."

The Hon. PETER DUNCAN: I move:

Page 9, line 6—leave out "engaged" and insert "assigned".

This is probably a semantic point, but it clarifies the fact that practitioners will be assigned to dispense legal assistance rather than being engaged by the commission. It was considered that the word "engaged" had a connotation of employment, and that was not intended.

Mr. GOLDSWORTHY: I do not consider this to be a slight matter. It is not simply a matter of semantics. I canvassed this point during the second reading debate and had intended, if the Attorney had not moved his amendment, to move my own amendment, because the word "engaged" certainly implies an obligation to the commission. That should not be the case: a legal practitioner should be answerable to the person to whom he is assigned in the same way as a private practitioner is in normal practice.

Amendment carried; clause as amended passed.

Clause 17—"Application for legal assistance."

The Hon. PETER DUNCAN: I move:

Page 9, line 19—Leave out "seven" and insert "fourteen".

It is intended to ensure that applicants have sufficient time in which to appeal against the decision of the Director.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 9, lines 25 to 27—Leave out subclause (6) and insert subclause as follows:

(6) An assisted person may—

(*a*) within fourteen days after he receives a notice under subsection (5) of this section;

or

(*b*) within fourteen days after he receives notice of refusal by the Director to vary or revoke a condition upon which legal assistance was granted,

appeal to the Commission against the decision of the Director.

The amendment is self-explanatory: it ensures again that further time is available.

Amendment carried; clause as amended passed.

Clause 18—"Recovery of legal costs from assisted persons."

The Hon. PETER DUNCAN: I move:

Page 9, line 37—Leave out "seven days" and insert "one month".

The amendment extends the time limit from seven days to one month.

Amendment carried; clause as amended passed.

Clause 19—"Payment of legal costs to practitioners providing legal assistance who are not employees of the Commission."

The Hon. PETER DUNCAN moved:

Page 10, line 5—Leave out "engaged" and insert "assigned".

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 10, line 13—Leave out "two months" and insert "one month".

This amendment again involves a time factor.

Amendment carried.

The Hon. PETER DUNCAN moved:

Page 10, line 20—Leave out "engaged" and insert "assigned".

Amendment carried.

The Hon. PETER DUNCAN moved:

After line 26 insert subclause as follows:

(6) The commission may make payments to a legal practitioner under paragraph (*a*) of subsection (5) of this section in respect of legal assistance without concurrently making a payment under paragraph (*b*) of that subsection in respect of that legal assistance.

Amendment carried; clause as amended passed.

Clauses 20 to 28 passed.

New clause 28a—"Right of audience."

The Hon. PETER DUNCAN: I move to insert the following new clause:

28a. Subject to any Act or rule, a legal practitioner employed by the Commission shall be entitled to appear on behalf of an assisted person before any court or tribunal.

It deals with the right of audience and is intended to clarify the situation. Better legal opinion is that such a clause is unnecessary. Members opposite expressed some doubt over this matter because it had seen the light of day in a court about 12 or 18 months ago. To be on the safe side the Government seeks to insert this new clause.

New clause inserted.

New clause 28b—"Legal practitioners employed by Commission bound by ethical standards of the profession."

The Hon. PETER DUNCAN: I move to insert the following new clause:

28b. Nothing in this Act derogates from the duty of a legal practitioner employed by the Commission to observe the ethical principles and standards appropriate to the practice of the profession of the law.

It ensures that legal practitioners observe the ethical principles and standards appropriate to the practice of the profession of the law. Better legal view is that such standards would apply to these practitioners simply because they would have practitioners' certificates; nevertheless, to ensure that everyone is satisfied the Government wishes to insert this new clause.

New clause inserted.

New clause 28c—"Legal practitioner employed by Commission subject to same discipline as practitioner in private practice."

Mr. MILLHOUSE: I move to insert the following new clause:

28c. A legal practitioner employed by the Commission—

(*a*) incurs the same liability for unprofessional conduct as a legal practitioner in private practice; and

(*b*) is subject to the same discipline as a legal practitioner in private practice.

I can give the same explanation that the Attorney gave to his new clauses 28a and 28b. The purpose of my amendment is to ensure that a legal practitioner who is employed by the commission is subject to the same disciplinary powers of the Supreme Court as a practitioner in private practice now is. It may not be necessary to insert the new clause, but there has been a perennial argument in the profession whether legal practitioners employed by the Crown are subject to the disciplinary powers of the Supreme Court. I am ensuring that, in the case of legal practitioners employed by the commission, they are subject to that discipline.

The Hon. PETER DUNCAN: The Government accepts the amendment. I make the same comment that better legal view is that this new clause is unnecessary.

New clause inserted.

Remaining clauses (29 to 31) passed.

Schedule.

The Hon. PETER DUNCAN moved:

Part II, page 14—

In the item "Section 3" leave out "III" and insert "IV".

In the item "Section 24c" after the end thereof insert the following:

By striking out from subsection (6) the passage "assistance fund" and inserting in lieu thereof the passage "fund maintained by the Legal Services Commission".

After the item "Sections 24e-24o" insert the following items:

Section 24p—

By striking out from subsection (4) the passage "or the assistance fund".

Section 24w—

By striking out from subsection (1) the passage "from the assistance fund" and inserting in lieu thereof the passage "by way of legal assistance".

Amendments carried; schedule as amended passed.

Title passed.

The Hon. PETER DUNCAN (Attorney-General) moved:

That this Bill be now read a third time.

Mr. GOLDSWORTHY (Kavel): It is an appalling state of affairs when a Bill is presented to the House and the Attorney relies on amendments to be moved in another place to put that Bill into what he considers to be a

satisfactory state. That is the situation in which this Bill came out of Committee. I make perfectly clear that the Opposition is not opposed in principle to the Bill, as the Attorney sought to impute to it. In fact, the Opposition is in favour of the setting up of the Legal Services Commission as is contemplated by the Bill. However, it is not in favour of the Bill as it came out of Committee, because nowhere is it delineated in the Bill what it is all about.

The Attorney-General has moved two pages of amendments, none of which goes to the heart of the matter. That is our basic objection to the Bill. It ill-behoves the Attorney to accuse the Opposition of not being on the same wave length as the Federal Attorney-General. He has suggested that the Federal Attorney-General is seeking a hasty passage of this Bill. Perhaps he is. However, he is certainly not in favour of the hasty passage of a Bill which is far from perfect and which far from delineates what is the whole purport of the legislation.

It is an appalling state of affairs when we have legislation leaving this House, under the direction of the Attorney-General, who is in charge of the passage of the Bill and the negotiations associated with it, and he says, "I am sorry. We cannot fix up the Bill in this House. We hope that it will be done somewhere else." I am certainly not in favour of that sort of procedure, when we are asked to pass in this place an imperfect Bill. It is time that the Attorney-General grew up and learned what is the proper conduct of affairs in this House. We know that he is still wet behind the ears and that he has much to learn.

The SPEAKER: Order! I do not think that has anything to do with the third reading of this Bill.

Mr. GOLDSWORTHY: Well, we have an imperfect Bill that the Attorney wants us to pass. Indeed, the Attorney has admitted that it is imperfect. I am certainly not happy to give my assent to the passage of a Bill through this House when none of the basic objections that the Opposition has raised (that is, regarding helping disadvantaged persons) is set out therein.

Mr. MILLHOUSE (Mitcham): I cannot help feeling that the remarks of the member for Kavel are on this occasion wholly inappropriate. It is obvious that he is trying to make some political point out of a Bill that has very little politics in it at all. I suggest that it would be better if the honourable member did not waste the time of the House by doing so. This is a very good example of the way in which legislation should be handled. A Bill has been introduced. True, it contained some imperfections. However, the Minister in charge of the Bill has been willing to talk to those who have complained about the imperfections, and he has gone a long way towards remedying those imperfections and meeting the complaints that have been made by the only body that knows anything about this matter. Let us face it: the member for Kavel has been flying blind. He does not know the first thing about this. If his friend the Hon. Mr. Burdett had not given him some coaching in it, he could not have done what he has done. I am perfectly content to accept the assurances that I received from the Attorney-General when he replied in the second reading debate that the matters that have not yet been dealt with here will be dealt with in another place. That is a perfectly reasonable thing to do.

Unless we are simply to make political point after political point for the sake of doing it, we should accept these things and accept that this is a proper process of legislation. After all, I remind the member for Kavel that his colleague, the so-called shadow Attorney-General, is in another place. Why is the honourable member objecting to his colleague's having some direct contribution to make to a Bill of this nature? I am damned if I know. I intend to support the third reading. I wonder whether the member for Kavel will call "Divide". If he does, he will not have my support.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 19. Page 3518.)

Mr. RUSSACK (Gouger): This short Bill makes three amendments, the first of which relates to the appointment of a new member to the State Transport Authority. Secondly, it provides that the present members of the authority shall remain for their appointed term and, thirdly, it alters the quorum for the authority from four members to five members. In his second reading explanation, the Minister said:

It is considered that the work of the authority is so important that its membership should be increased by the appointment of one further member part-time.

There must be some other reason for the appointment of an additional member to the authority. Looking back, I find that the authority was formed in 1974, and that it had various functions to fulfil. Under section 12 the authority was to recommend to the Minister various matters regarding the control of transport in this State. Paragraphs (*b*) and (*c*) of section 12 (1) were amended in 1975 to ensure, as far as was practicable, that adequate public transport services were provided in the State, and to enable the authority to perform such functions as were conferred on it by or under the Bus and Tramways Act, 1935-1975, and the Railways Act, 1936-1975. There was such a noted change in the authority's responsibilities that it was referred to in the 1976 Auditor-General's Report, as follows:

The authority, established under the State Transport Authority Act, consists of seven members, including a full-time Chairman. Its main functions are to operate bus, tram, and rail services within the State. It is also responsible for the co-ordination and provision of adequate transport services within the State.

From the time when it was originally formed, the responsibilty of the authority has increased, or changed. Perhaps there is a reason for the increase from seven to eight in the number of members of the authority, meaning, if the Bill is approved, that the authority will consist of a full-time Chairman and seven part-time members. Perhaps, because of this, favourable consideration is warranted, as long as the person selected is capable and well informed in transportation.

Naturally, additional costs will be involved in the appointment of an additional member, and I hope that member will be someone well qualified to make a practical contribution to the authority. Clause 3 amends section 6 of the principal Act, striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) On and after the commencement of the State Transport Authority Act Amendment Act, 1977, the authority shall consist of eight members appointed by the Governor on the nomination of the Minister.

The Minister has the right to select and nominate this person. I wonder whether the Minister would indicate whether he has a person in mind and, if so, whether it would be appropriate for him to inform the House

accordingly. I think it would be appropriate for the Minister to say whether he has someone in mind and the reason for such an appointment.

Because of the factors I have outlined, because this is an important authority with full responsibility for tram, bus and train operations in this State, we support the Bill. I hope that the Minister will accede to our request and give us some idea of whom the new nominee will be.

Mr. MATHWIN (Glenelg): I support the Bill but, like my colleague from Gouger, I ask the Minister for some further explanation. His second reading explanation was brief, and he opened it by saying that this was a short Bill; that was about all he said. The purpose of the Bill is to increase the size of the State Transport Authority, which at present consists of a full-time Chairman and six part-time members. As they are part-time members, the cost is of no great importance.

One could well imagine that the main reason for the increase in the size of the authority is that the Minister has some special person in mind. I think the Minister should explain to the House his reasons for further extending the authority. An increased number would be harder to manage. What has the Minister in mind? Whom does he believe should be on the authority? Has he some expert who is a great authority in this area and who could advise, perhaps, on a better place than Morphettville Park in which to build a bus depot? If so, it is a pity that that member was not on the board before the fiasco at Morphettville Park was established.

Obviously, it is a matter not of cost but of whom the Minister wants on the authority. We have a representative of the trade unions on the authority, so presumably the Minister does not want another person from that area. Before fully supporting the Bill, I should like the Minister to explain who is likely to be the new member and the reason for his appointment. The second reading explanation says that it is because of the importance of the activities of the authority, but I think that is no explanation at all. I hope the Minister will say why he wants this person (whether he, she, or a person) on the authority. If he will give that explanation, I shall see fit to support the Bill.

Mr. BECKER (Hanson): Although we have to support the Bill, one does it reluctantly. Here we find the Minister saying that suddenly the work of the State Transport Authority has increased to such an extent that it needs another part-time member. The Auditor-General's Report at June 30, 1975, shows that payment for part-time members of the authority was estimated at $2 500, and it is difficult to ascertain whether that amount has been increased. Many questions come to mind.

The State Transport Authority, as pointed out by the member for Gouger, controls tram, bus, and train operations. The responsibility for the railways section in South Australia has been reduced, of course, with the handing over of the country section of the line, but the authority is responsible for the metropolitan area. Much criticism can be levelled at the railways facilities and operations for metropolitan passengers. One would hope that the increase in the membership of the authority would help to provide better services and time tables for those who depend on the railways for transport. Much can be said also about the operations of the Bus and Tram Division, which would be the greatest shemozzle of all times.

When operations from the Morphettville bus depot commenced, everyone expected problems in the handing over, but no-one expected that buses would not turn up, and would not stick to their time tables. I do not think I have been anywhere in Australia where public transport has operated on a system and a schedule such as we have witnessed in past months in South Australia, particularly in Adelaide. I have had to catch buses in Sydney and Melbourne.

The Hon. G. T. Virgo: When did you last catch a bus here in Adelaide?

Mr. BECKER: About a month ago.

The Hon. G. T. Virgo: You'd be an authority then.

Mr. BECKER: Yes. I sneak on to a bus every now and then, and I pay for it.

Members interjecting:

The SPEAKER: Order!

Mr. BECKER: It is unbelievable that the Bus and Tram Division of the State Transport Authority could have got itself into the situation it is in. I find unbelievable the large number of applicants who have unsuccessfully applied to be bus drivers. The Minister must know this, and he ought to be asking the division why experienced bus drivers cannot get jobs with the State Transport Authority. Some of these people had jobs with the private bus lines and left. One gentleman left for personal family reasons, not because of disenchantment with the job. He overcame the problem and tried to get his job back, but could not do so. Yet, the excuse given for the late arrival of buses is that drivers are inexperienced. I would have thought that the division would take on experienced bus drivers, drivers who had worked under the harder system of private enterprise where if anything went wrong they fixed it up themselves and carried on. One reason for delay is that the buses are plagued by inspectors checking them and holding them up. It is an awful inconvenience to the public. It has been an experience to travel by public transport.

I hope that the additional member on the State Transport Authority will help to solve these problems. We see that there is a need to increase the size of the State Transport Authority at an additional cost. We have an appeal on throughout the nation for a freeze on costs, but that does not make any difference to the State Transport Authority. Obviously we have to keep on putting on personnel, and here is another $2 500 cost. We find from the revenue account for this financial year that contributions towards the deficit of the administrative section of the State Transport Authority will be $180 000 000.

The SPEAKER: I call the honourable member to order because, as I understand this Bill it deals with the appointment of one additional member and that is all. It does not involve the general expenditure of the State Transport Authority. It deals with only one subject, the appointment of one additional member to the board.

Mr. BECKER: With due respect, it calls for the appointment of one member to the State Transport Authority. I am on the line in the Revenue Account of the State Transport Authority showing that the contribution towards deficit administration is $180 000 000. One extra person on the board is adding to the administrative cost of the State Transport Authority.

The SPEAKER: I cannot accept that; it would open up the debate and we could discuss all night the whole of the costs and finances of the State Transport Authority and the cost of running it. That is not the subject matter of the Bill. This Bill is about the appointment of one additional member.

Mr. BECKER: I take it that we are debating the appointment of a part-time member to the board. The State Transport Authority's responsibility is the supervision

of all public transport services in South Australia. Can we justify the appointment of this additional part-time member of the board, bearing in mind that we are assuming from figures available to us that this person would be entitled to a remuneration of $2 500 a year? The Minister gave a very brief explanation of the Bill. Obviously, it is a matter of accepting the appointment or not accepting it, as far as the Opposition is concerned. I take it that this throws open the whole of the legislation in relation to the State Transport Authority.

The SPEAKER: I could never uphold that view.

Mr. BECKER: Then I find it extremely difficult to debate the role of the State Transport Authority and the need to increase its membership, if we cannot examine in depth the whole operation of the State Transport Authority.

The SPEAKER: That, I am afraid, must be my ruling. I must uphold the Standing Orders, and we are discussing a Bill and its contents only.

Mr. BECKER: Then we get back to the Bill and the examination of the appointment of an additional member on the board. As the member for Gouger said, it would need someone of considerable experience in the transport field, bearing in mind that it is only a part-time appointment. Will the appointee be a male or a female? I can remember a situation recently where for cheap political purposes a woman was appointed to a Government instrumentality because it needed a woman's touch. If there is ever an organisation—

Mr. Russack: Who said that?

Mr. BECKER: The Minister said that, I believe. If ever a woman's touch was needed, it is needed in the State Transport Authority. I believe that this is a very important issue. If we are going to attract people back to public transport, we have to consider those who use it more than anybody else—the housewives and other women. They like to get out and, in most cases, public transport is their only means of travel. I believe that here is a wonderful chance for the Minister to put a woman on the State Transport Authority. If that is the case, bearing in mind that we cannot write into the legislation specifically the type of person, I appeal to the Minister to appoint a woman to the State Transport Authority.

Mr. EVANS (Fisher): I am concerned why we need another member on the State Transport Authority. It may help if we knew who the person was, and it may help if we knew the exact reason why the appointment is being made. I could accept this extra person on the State Transport Authority if the Minister could tell the House it would solve the problems associated with the authority's supplying its services. It has a membership that has been operating and now we are asked to increase the number. Will the new appointment solve the problems that exist, such as buses not turning up, and not enough buses on the road to supply services that the Minister is attempting to supply through the State Transport Authority? Will it help to supply better buses more quickly than at present? If the train services can be improved so that they are not overcrowded and if we can get over these various problems by appointing an extra person to the State Transport Authority, then one can accept that appointment without any question. However, we are not getting any guarantee that the extra money we will be spending will help the situation: it may even hinder it. We do not even know whether the appointee will be an expert in public transport in the organisational wing or in the engineering field. The public transport system, particularly in the metropolitan area, is in a bad way as regards supplying services to the people. Members who live in the northern suburbs know that buses are not turning up to take schoolchildren home, and in my district they do not turn up on some of the routes. If that is the state of the transport authority as we know it, and one extra person will solve that problem, one does not question the appointment. I hope that the Minister will give some idea of the type of qualifications the person needs to have, as that would help us. There is nothing in the Minister's second reading explanation to indicate why we need the extra person.

Mr. Venning: Do you think the Minister knows who its is?

Mr. EVANS: He may know, and I think the Minister knows why he wants to make a new appointment. The Premier and people who support him have all said that they believe in open government. However, the Government does not practice open government, and this is an opportunity for the Government to practice it. Adelaide's public transport system is unsatisfactory, and we have been asked to increase the number of members on the authority. I believe that we should know who the Minister expects will take the position; there is nothing wrong in his disclosing that. Such a person would already have been approached. Undoubtedly some Government members know who he is. If we are being asked to supply more money to an already unsatisfactory system, we should know who the person is who will help solve the problems. I support the second reading, expecting the Minister to give more information regarding the person who will take the position.

Bill read a second time,

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of the Authority."

Mr. RUSSACK: Will the Minister give further reasons why an additional member is being sought for the transport authority; can he indicate the type of person being sought and who the person might be?

The Hon. G. T. VIRGO (Minister of Transport): I did not respond to the comments made in the second reading debate, because I did not think that many of them were appropriate to the Bill, and I do not think that we need red herrings drawn across the trail. The authority consists of seven members, the Chairman being a full-time appointee. He is a qualified engineer, an approved administrator, and a person who, I believe, is carrying out the task of Chairman in a most commendable way and for whom I have a high respect. The part-time members of the board are, first, the persons who were members of the previous South Australian Railways Advisory Board, with the exception of one. The members are the Under Treasurer, Mr. Ron Barnes, whose knowledge and ability goes without question, and needs no explanation from me; Mr. Howard Young, who I understand is the Managing Director of Kinnaird Hill de Rohan and Young Proprietary Limited, and is a valuable member of the authority, as he was a valuable member of the Railways Advisory Board; Mr. Jim Rump who, I understand, is a Director of T. O'Connor and Sons and is well versed in general business activities; and Mr. Dick Fidock, a Director of Tolley's, is especially concerned in marketing which is tremendously important to the authority. Those four men, together with the Director-General of Transport, Dr. Scrafton, constituted the Railways Advisory Board and did a great job before it was abolished with the introduction of the State Transport Authority. The remaining members of the authority are Mr. Allan Yuill, Secretary of the

Tramway Employees Union and the only union representative on the authority, and Mr. John Spencer, the Federal Minister's representative. I do not wish to see any of them cease to be members of the board, but I desire to see the Director-General of Transport involved in the direct activities of the authority. I told the shadow Minister of Transport of this today, so that he would be fully aware of these matters, and I thought that he would have told Opposition members.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

FIREARMS BILL

Adjourned debate on second reading.

(Continued from April 19. Page 3545.)

Dr. EASTICK (Light): To many people, this Bill has arrived too late and it provides too little. I hope that the urgent need that has existed for a long time will be met by the passage of this Bill. I expect that it will require positive action by the Registrar to reduce ready access to firearms. I cannot see any way in which it will prevent a person who wants to commit a felony from procuring a gun and using it. That situation is probably a fact of life. Anything that can be done to reduce the possibility of someone obtaining a firearm for a felonious purpose is a move in the right direction, and in that regard I support it fully.

From time to time amnesties have been declared in respect of firearms. These amnesties have had some value, the greatest advantage being through people handing in guns souvenired from the First World War, the Second World War, and the Korean War. I believe that amnesties should be declared more frequently. I hope they will be a major part of the promotion of this legislation. The unfortunate occurrence at Elizabeth two weeks ago, when two policemen were wounded, has made many people realise the problems associated with firearms. The incident at Port Victoria has tempered the attitude of the community. Whilst both incidents had serious consequences, perhaps they may not have been totally futile, if the community responds in the manner I have suggested. I am surprised to see the blanket ban on the ownership of silencers. Clause 29 provides:

A person who has in his possession—
(*a*) a dangerous firearm; or
(*b*) a silencer
shall be guilty of an offence.

Actually, there are circumstances where a silencer should be available, and I shall tell the Minister privately of such a case.

The Hon. R. G. Payne: Are you talking about humane destruction?

Dr. EASTICK: No. The humane destructor comes under the classification of a firearm and under the general provisions. In certain circumstances that kind of weapon would be available to those needing it, for example, the police, the R.S.P.C.A., and veterinary surgeons who work at race meetings and trotting meetings. I will not mention publicly another area I have in mind but, once the Minister knows about it, I think he will agree that clause 29 should be amended so that, with the approval of the Registrar, a silencer should be available in certain circumstances. The definition of "firearm" is wide enough to include a tranquiliser gun, which is a firearm that has a particular application in range cattle country where it is used more frequently for specific purposes. Common sense will probably prevail there and people with a legitimate use will probably be allowed to use that firearm. The important issue will be in the hands of the Commissioner of Police (who is the registrar) or his nominee, to undertake various actions to consider the legitimate use of a firearm.

Mr. Gunn: It shouldn't be available to people who want to catch the corner of the export market.

Dr. EASTICK: Definitely not; that is not a legitimate use of a firearm any more than the possession of a high-powered armalite or a ·303 rifle is in the hands of the populace.

The Hon. R. G. Payne: You're trying to take mine away, aren't you?

Dr. EASTICK: I have been the registered owner of a 9 millimetre Luger for several years. The Minister may wish to take that away from me; however, I believe that I have a legitimate use for that firearm and that the provisions of the Bill will continue to allow me to use that firearm. Generally, I support the Bill.

The next point I raise is in keeping with our attitude towards firearms and relates to an attitude that has become apparent in several measures with which we have dealt recently. Parliament should commit itself to a specific minimum penalty. Parliament often inserts a maximum penalty and allows the court major discretion about the minimum penalty. I instance the Road Traffic Act or the Motor Vehicles Act that imposed a maximum penalty and also a minimum penalty. Another measure was before the House in the last fortnight, and that, too, introduced a specific maximum and minimum penalty. After a first offence has been committed, a minimum penalty should be introduced so that Parliament, in the wake of problems that have brought about the early introduction of this measure, can say to the courts, and give a lead to the Police Force, "We believe the wrongful use of firearms is a commitment which is serious in our minds and, because it is serious, we accept that there should be a minimum penalty." In this instance we would need to amend only one clause of the Bill, but we can deal with that later.

The next matter I raise causes me some difficulty. It may also cause difficulty in the public's mind. However, I do not know how to overcome the problem. Under this measure the Commissioner of Police or his nominee is the Registrar of Firearms. Another provision of the Bill gives members of the Police Force the right to break into a property if they believe that firearms may be contained in that property. In the circumstances, that is a legitimate reason why Parliament should give the Commissioner or his nominee such power.

The Hon. R. G. Payne: That right is in the old Act.

Dr. EASTICK: I am making the point that in the public mind it could be that Caesar is looking after the actions of Caesar, which could be construed as not being in the best interests of the community. This is a bind which I see in the legislation and it is not a bind to which I can find a ready solution. However, it is an issue that we should have identified in our discussions on this Bill. I support the Bill and look forward to the acceptance of some minor changes, which will benefit the long-term effects of the Bill.

Mr. ALLEN (Frome): I support the Bill. I have received many approaches from people in country areas on this matter for several years. Indeed, I believe that country people are more concerned with the present situation of firearms than are metropolitan people. Country people see more of the damage caused by firearms, and they are quick to voice their disapproval accordingly, especially

when they see rainwater tanks, stock and road signs being destroyed or defaced.

Perhaps the defacing of road signs is the most obvious problem, because this damage can be readily seen by passing motorists, whereas the destruction of rainwater tanks and the killing of stock with rifles is not so obvious to the travelling public. Also, protected fauna suffers considerably at the hands of indiscriminate shooters. I recall the position when I was a youth when nothing pleased my mates and me more than to have a day of shooting, but those times were entirely different from the conditions of today. There were then many rabbits, hares and animals to shoot at, and it was easy to go out during the afternoon to shoot.

The position today is entirely different. There is not much in the way of rabbits, hares or vermin of any sort, and many young people going out to shoot for a day get frustrated because they have nothing to shoot at, and consequently shoot at road signs. As vermin congregate around water troughs it is possible that, when shooters aim at vermin, they accidentally shoot holes in rainwater tanks.

Mr. Gunn: Not only rainwater tanks, but also windmills.

Mr. ALLEN: True, but in the case of windmills the shooting is a deliberate act. In the case of rainwater tanks, an experienced shooter always observes the object to be shot and will look higher than the object to ensure that there is nothing within the range of the bullet. An inexperienced shooter can shoot an object without seeing what is beyond it and can possibly accidentally shoot up a rainwater tank and not be aware of the destrucution he has caused. In my maiden speech in the Address in Reply debate in 1968 I referred to this subject (*Hansard*, July 24, 1968, page 239) and stated:

So that some of our species of fauna will not become extinct, fauna in this State will need further protection namely, by restricting the issue of gun licences, a restriction which I am sure citizens in a certain oversea country wish was adopted years ago. When in England about three years ago, I visited Spalding in Lincolnshire, where the game season opens on October 1, and it was a sight to see game such as pheasant, partridge and pigeons in the fields at evening. I understand that in England a gun licence can be obtained only by a property owner. The licence costs £3 sterling and the holder of that licence is permitted to shoot only on his own property. Indeed, a property owner guards his game as closely as we guard our sheep in this country and woe betide anyone who shoots game on someone else's property. I believe that stricter control should be placed on the use of firearms in South Australia; at present, any person over 15 years of age may walk into a shop, purchase a firearm, register it and procure a licence.

When one travels in the country and sees the damage caused by irresponsible people, one realises the necessity for some form of restriction in this regard. Any revenue lost by the Government would be offset by the less destruction that would result. Recently when touring my district, which extends 80 miles east of Burra (country where signposts are valuable to any motorist) I noticed that the signpost bearing the name "Koomooloo", which was 18m. by 6m., bore 45 bullet holes and was almost impossible to read. The six "o's" in the name were apparently an attractive sight for a person with an itchy trigger finger. The sign bearing the name "Woolganji" (18in. by 6m.) and 68 holes in it although, ironically enough, on the same gate was a sign "No shooting" which bore 72 bullet holes. If this is being done to our signposts, what is being done to our fauna?

That is what I said in this place in 1968, and those remarks still apply today. Since then, we in this State have amended our laws, and it is now necessary for one to obtain a hunting licence, as applies in England. In 1969, the Hon. Mr. DeGaris, who was Chief Secretary in the Hall Government, had legislation regarding this matter drawn up, although it was never introduced in this House. It is not stated in the Bill or in the Minister's second reading explanation how much a licence will cost; indeed, there is no mention at all of licence fees. I understand that this aspect will be left to regulation. I read somewhere (it may have been in the press) a report in which the Minister was quoted as saying that the licence would possibly cost only a few dollars; however, no specific amount was mentioned.

I point out that it is now 50 years since I purchased my first gun licence. It cost me the equivalent of 25 cents, when the average wage for a youth was the equivalent of $3 a week. This meant that I paid 8 per cent of my wage for a gun licence. Today, when the average wage of youths is about $70 or $80 a week, it would mean that, if a licence fee was about 8 per cent of the wage, the licence would cost about $10. I imagine that, if the Minister imposed such a fee, there would be a big protest indeed. However, such a fee would compare with the fee paid by people for a gun licence 50 years ago.

I understand that pistol and gun licences will be issued by the police. That is an excellent idea, because we in the North and Far North of the State experience many problems regarding firearms. Some people up there have property to protect. Indeed, some people with businesses cannot get their daily takings to a bank at 3 p.m. each day. Sometimes, it may be a few days before they have an opportunity to deposit their money in a bank. These people are compelled to hold money, and they should have a pistol licence. The licence could be issued by the local police, who would be acquainted with the situation and able to see that these people had adequate protection. Recently, when a gymkhana was held at William Creek in the Far North, about 200 km from the nearest township and bank, the takings for the day were $10 000. It is necessary to have protection in that country for such a sum of money.

The Minister has said in his second reading explanation that a licence will be issued for a three-year term. This is a good idea to save administration costs but, as I have previously pointed out, I am sure that, if a fee was fixed at $10 to bring it into line comparatively with the fee 50 years ago, a person having to pay about $30 for a licence for three years would protest. The explanation also states:

The Bill recognises that the institution of such a system involves the conferral of a fair amount of bureaucratic control.

That is so, but it is necessary. People have been asking for alteration of the gun laws and, to do this, it has been necessary to bring in bureaucratic control. The appointment of the consultative committee also is a good idea. Anyone who is refused a licence by the local police will be able to appeal to that body. Clause 18 empowers the Registrar to cancel the licence where the licensee has committed an act that shows that he is not a fit and proper person to hold a licence. I should like this extended so that a judge could be given the power similar to that given in respect of a driver's licence. I understand that the matter of antique firearms is being dealt with.

Another matter that perturbs me is the use of high-power rifles in county districts. I understand that in New South Wales many years ago a person could not use a ·303 rifle anywhere other than on a rifle range. This has not applied in South Australia. The ·303 rifle has gone out of date, and now the armalite is used. It is no wonder that stock is destroyed by indiscriminate shooters. A criminal will obtain firearms somehow. He will have to resort to stealing. At least, he will not be able to buy a gun over the counter as he can now. If a police officer

enters premises and finds a stolen firearm, he can prosecute the person for not having a licence, and he can also confiscate the firearm. This will help the police in the execution of their duty. I support the Bill.

Mr. McRAE (Playford): In supporting the Bill, it is quite staggering to realise that, in the period between 1962 and 1972, the Australian death toll as a result of gunshot wounds was 473. That figure was higher than the whole of Australian fatalities in Vietnam, and that trend has continued and has escalated. This in itself is a staggering indication of the inadequacy of firearms control in Australia. The figures include accidents as well as suicides, murder, and manslaughter.

In all States at the moment, except Western Australia, it is extremely easy to buy a rifle or shotgun. Licensing and registration laws are very flimsy indeed. In Queensland, for example, it is completely open slather, with no rifle or shotgun registration whatsoever. New South Wales and Victoria require that individuals have licences and, in obtaining those licences, disclose criminal records, but of course this procedure means that the police still have the task of checking and confirming the information put before them, and often that is not easy.

In South Australia, at the moment, rifles and shotguns must be registered within 14 days of possession, and aliens and persons between the ages of 15 years and 18 years must get licences, too. In Western Australia, individual weapons have to be registered and, in order to get a licence, shooters must produce letters from two property owners saying that permission has been given to shoot on their land. Pistols must be registered in all States, but licences are more easily obtained in some; again, Queensland seems to be the State in which this facility is the easiest. Again, in Western Australia even current licence holders for pistols are being asked now to justify the continuation of their licences.

This system, loose and unsatisfactory as it is, undoubtedly has led to the appalling death rate that I have quoted. Apart from criminal offences, I point out that no training is required, as is a condition of obtaining a motor vehicle licence. Obviously, this has led to some of the very bad accidents, where inexperienced shooters have destroyed themselves and others. One has only to recall the number of young people involved in such accidents to see that that is the case.

A research team in Sydney found that, in this category of persons, some 30 per cent of shootings involved people with less than one year's experience, while 60 per cent involved people with less than four years experience. It would seem to me that, whilst the legislation before us has gone a long way in improving the existing situation, nonetheless it does not recognise that, if firearms are to be handled by people, they should be handled by people who are trained to use them. I hope that in future this provision will be made. After all, it is a fairly logical step to take.

In my view, people should have weapons only for the following categories: first, if they are genuine collectors of antiques and the like; secondly, if they are involved in genuine sporting clubs; thirdly, if they are farmers and therefore, of course, have the right to protect their stock and the right to use rifles and other weapons to shoot for rations and for other purposes; and fourthly, for legitimate self-protection, and I stress the word "legitimate". In my view, no-one else in our society needs to have a gun. That is not only my view but also the view that has often been expressed in the courts. One might well argue that, in these circumstances, apart from collectors who, one presumes, are not using weapons except for show, licences should be granted only to persons who can show that they have been properly trained in the use of firearms, in much the same way as drivers' licences are granted only to drivers after they have passed the appropriate test.

Mr. Mathwin: There are more killers driving motor vehicles than there are killers who use guns.

Mr. McRAE: That argument has often been put forward, but there is a difference. The Bill might at least help to reduce the accident rate. In addition, it may well be said that, in the case of sporting clubs, firearms should be held at the clubs and checked in and out, rather than having weapons held at individuals' homes. In a nutshell, I say that, in the metropolitan area, with rare exception, we should not have people with weapons in their possession.

Mr. Boundy: In most cases, that makes it possible for a criminal to pinch them in a heap.

Mr. McRAE: I do not know that that is so, given adequate security. The system advocated by the Bill is entirely satisfactory to me. It is a system of licensing gun owners and the registration of guns, thereby giving a double protection. I agree that hardened criminals will not be greatly affected by the Bill. History has shown that hardened criminals, no matter how difficult one makes the law or how severe one makes the penalty, will find some way of achieving their aims. Curiously enough, in South Australia most of the criminal homicides, for instance, have been committed not by hardened criminals, as such, but by psychopaths in the community. I believe that every South Australian has generally come to that realisation, even if we take the past five years. I think that all members can recall the many incidents in which entire families were wiped out in Adelaide and in the country, not by persons whom one would normally say belonged to the criminal class but by persons who were suffering from some form of psychopathic abnormality. It is absolutely necessary that we do everything in our powers to reduce that potentiality.

Although I do not want to take up much time of the House, I refer to clause 12 (3), which deals with the circumstances in which an application for a firearms licence will be granted. The clause provides that, where the Registrar (that is, the Commissioner of Police) is of the opinion that a firearms licence should not be granted the applicant because he is not satisfied that the applicant is a fit and proper person to hold the licence, it will not be granted. That is a good provision, and I hope that it will be rigorously enforced.

Mr. Mathwin: Such a person would have the right of appeal.

Mr. McRAE: Yes, and I hope that the special magistrate hearing the appeal would take due cognisance of the Commissioner's opinion. All I can say to the member for Glenelg is that, if he has not already understood it, my view on firearms is a hard line indeed. I see no reason why anyone in Adelaide, apart from persons legitimately using weapons for sporting purposes (and even then under strict controls), should need to have a gun. I do not accept that. What I advocate is that the clause will be used to the fullest and harshest extent possible to stop the conglomeration of weapons that we have. I refer now to clause 14 (3), which deals with persons selling firearms. In looking at any application for a dealer's licence, I hope the Registrar (again, the Commissioner of Police) will have a significant look at the sort of establishment that should be selling firearms. We have examples in this city of large retail stores. We

have only to walk down Rundle Mall or Grenfell Street to find racks of weapons, not only ordinary rifles and shotguns but also high velocity rifles, the sort used by the armed forces; they are readily available and, not only that, they can be purchased on credit and then taken home and used to destroy an entire family. This has happened not once but time and again in the past eight years, and that is a disgraceful situation. I hope the Registrar will interpret this situation rigorously.

Mr. Goldsworthy: It's much worse in America.

Mr. McRAE: Yes, and I hope we shall never reach the American pattern. I hope both those clauses will have the desired effect. I realise that, if the legislation, as I understand it, and the interpretation that I hope will be given to it are put into effect, certain freedoms will be adversely affected, but we must balance the effect of the use of guns in our society and the mass of destruction of life and property against these freedoms.

I quite agree that people on the land, like farmers with legitimate rights to protect their stock and to shoot rations or kangaroos and so on for their dogs, should not be inhibited, but there is no reason why anyone living in the urban area of Adelaide should be able to purchase guns of this sort without having a very good reason for doing so. I note that a paper appeal is provided by clause 21. I think the member for Glenelg was referring to that. I also strongly support the provisions of the final clauses of the Bill, clauses 31 to 37, dealing with the powers of the police to do various things. I swiftly summarise those powers: power to force the production of a licence to a member of the Police Force; power to seize firearms; forfeiture of firearms; power of sale of forfeited firearms; and the various regulations. I support all those things because I do not honestly believe that any rational person in our society, in a city like Adelaide, could want anything else to be the case. Luckily, so far we have escaped the scourge of the so-called major cities of Australia, the cities of the big populations—the professional armed criminal. Let us keep it that way.

Dr. Eastick: It is not an area where we can pussyfoot.

Mr. McRAE: No. Long before this Bill was introduced, I spoke in a grievance debate and gave an example, which I will not repeat now in detail at this hour, of a person for whom I acted who was able to take advantage of the existing loose legislation, obtain arms on credit and then go and murder an entire family. Therefore, I say certainly no pussyfooting. If we are to have errors, let us have errors on the side of the safety of the entire community. I note that the consultative committee has what I consider to be a proper width of community representation, and I am not especially worried that sporting clubs, if properly administered, will not be looked after, nor am I worried that collectors of antique guns and the like will be unnecessarily harassed.

I refer briefly to the statement of the member for Fisher about the emotive circumstances of this debate. My simple reply is that the emotive circumstance to which he has referred was the shooting of two policemen at Elizabeth North last weekend. The dreadful reality is that, every three months in this city, which luckily is free of professional criminals, unlike Melbourne and Sydney, we are faced with mass homicides of families. To get them we have people with guns and, therefore, it seems to me no matter when the Bill was introduced there would be an emotive circumstance about it. It is not emotion with which I speak, but is simply stark reality. Let us try to get guns out of the way and by removing the weapons remove the circumstances.

Everything I say is supported by the Green Paper of the British Government, *Control of Firearms in Great Britain*, which was presented to Parliament by the Secretary of State in 1972, which referred to most of the areas covered by this Bill, and which in most of its recommendations agreed with the propositions put before us this evening.

Mr. Mathwin: It was a Tory Government.

Mr. McRAE: Yes, it was at that time, but that has nothing to do with the case, because whatever Government is in power gun laws should be tightened up. One small part I shall specifically quote, because it may not be covered in the Bill, and, if it is not, it should be. Referring to automatic firing weapons, paragraph 35 of the Green Paper states:

> In the light of the considerations set out in the two previous paragraphs the Government would welcome views on the desirability of making the two following changes:
>
> (*a*) self-loading rifles, and pump action and repeater shot guns, should be declared prohibited weapons;
>
> (*b*) there should be power to make a statutory instrument declaring new kinds of specially dangerous weapons and ammunition to be prohibited.

I agree with that, and the Bill may be slightly deficient in not making clear that self-loading pump action and repeater shot guns should be absolutely prohibited. I see no justification in any part of the State and in any circumstances for having them around us. Therefore, for the reasons I have given I support the Bill. I think it has been a long time coming. If it comes in emotive circumstances perhaps all the better, because people should remember that those who are to be shot down are normally either the police or innocent victims and not the criminal elements in the community. The two possible defects in the Bill are, first, in relation to self-loading weapons to which I have referred and, secondly, regarding the lack of training requirements to deal not with the criminal element but with accident cases. I support the Bill.

Mr. MATHWIN (Glenelg): I support the Bill, but I wonder what effect it will have. Will it really restrict the activities of the criminal element? We all know that it will not do so because, if a criminal really wants to get a firearm, he knows that it is easy to get one.

Mr. McRae: We're not talking about the criminal: we're talking about the psychopath.

Mr. MATHWIN: Surely it is intended that criminal activity will be reduced by this Bill. The key to the Bill is the question of penalties. If they are severe enough, the undesirable use of guns will be checked. A minimum penalty is needed, and punishment of offenders should be mandatory; otherwise the Bill is a glorified money raiser. In Alaska, it is mandatory for a first offender to be sentenced to 10 years gaol, and a second offender is sentenced to 20 years gaol. They have very little trouble in Alaska. The penalty must fit the crime. Instead of having a maximum and no minimum, a minimum penalty should be prescribed. If the Government was sincere, it would provide for a gaol sentence for a first offence. A committee will screen people. If a criminal's application to purchase a firearm is rejected, he can appeal. If the committee responsible for screening has decided that a person is unfit to own a firearm because of criminal tendencies, he should have no right of appeal. Will there be a limit on the number of firearms that a person can have? Will there be any control over the calibre of the different weapons? There are many rifles of heavy calibre in the community. The member for Fisher spoke about automatic weapons and referred to the Thompson submachine gun. That is

a ridiculous weapon because if one is strong enough to stand on one's feet after firing it one will shoot into the sky, and if one fires it fast enough one needs a trailer to carry the ammunition for it. Will the Minister charge people for each firearm and limit each firearm they possess? This measure will not stop the criminal from obtaining firearms, and that is probably the most serious aspect of the Bill. I oppose what the Bill provides regarding silencers. I hope that the Bill will be amended to allow their use in some instances. I wonder whether figures are available regarding the use of silencers by criminals.

Mr. McRae: You'll get those.

Mr. MATHWIN: Several figures were referred to in the Minister's second reading explanation. If figures regarding silencers are so important why were they not mentioned?

The Hon. R. G. Payne: I wanted to leave you something to talk about.

Mr. MATHWIN: That may be so. Usually a silencer is used on a ·22 rifle. A silencer is successful only if one uses low velocity ammunition. If one uses high velocity ·22 ammunition the silencer makes little difference at all. Most people use silencers to shoot rabbits and vermin.

The Hon. R. G. Payne: Do you have a silencer?

Mr. MATHWIN: Yes.

The Hon. R. G. Payne: What do you use it for?

Mr. MATHWIN: For shooting rabbits.

Mr. McRae: You're not seriously supporting the use of silencers?

Mr. MATHWIN: Yes.

Mr. McRae: I'm amazed!

Mr. MATHWIN: The honourable member may be amazed but even he, with his great intelligence and great oratory, did not produce evidence of how many criminals use them.

Mr. Keneally: The only time a silencer is effective is when it's placed on you.

Mr. MATHWIN: What the authority on collective farming has said may be correct, but he should get a silencer put on his weapon. A noise reducer is used extensively for shooting rabbits. It is used so that rabbits, game or vermin are not disturbed. If a group of vermin is in a bunch a person using a silencer would have a better chance of killing a few of the vermin before they realise what is happening. Some of my colleagues do not know much about shooting rabbits. I understood that if one aims between the ears and just misses one petrifies the rabbit and one can then creep up behind it and hit it on the back of the neck without damaging the skin. Can the Minister say what will be the effect on game and target shooters, who derive much pleasure from their sport? I know many of these people. They are good people, who are concerned about this legislation. Several of them are collectors and posses finely made firearms. Some produce their own firearms and even produce their own bullets because of the need for correct balance to achieve excellence. That is how good they are.

The Hon. R. G. Payne: I hope they don't breach any other Acts, such as the Explosives Act.

Mr. MATHWIN: I do not know about that, but the Minister can pursue that aspect if he so desires. If shooters have to mutilate their guns in order to meet the licensing requirements, they will do much damage to their valuable firearms. In his second reading explanation the Minister stated:

It is designed to introduce stricter controls upon the possession and use of firearms. The rapid increase in the number of serious offences involving the use of firearms, and the proliferation of extremely dangerous weapons, make stricter control necessary to safeguard the community.

What is the Minister's definition of dangerous weapons? If he is really concerned about a dangerous weapon he should include the motor car, which kills more people in this country and in other countries than do firearms. Almost anything can constitute a dangerous weapon. How far will the Minister go? In the Second World War commandoes were trained to use bows and arrows, because they were silent weapons.

Mr. McRae: In Western Australia one must be licensed to use a bow and arrow or a cross bow.

Mr. MATHWIN: What about a blowpipe? It could be used to shoot a knitting needle. Almost anything can be a dangerous weapon. A knitting needle can slip a stitch and injure a person's eye. A person could be killed with a knitting needle. In his explanation the Minister referred to figures in relation to armed robberies, firearms used and pistols used, and then referred to murder/attempted murder, and suicide. In the case of suicide, I doubt much whether a weapon is specifically chosen. If a person intends to commit suicide, whether he has a gun or not, he will find a way to complete his task. I do not believe that such a person has a preference for a revolver, a gun or any other sort of firearm.

People will find a means of suicide if that is what they really want to do. In the figures given by the Minister, pistol usage (10) is half that of firearm usage (20), and those figures speak well for our existing good legislation, with which I agree. The Minister also said the following in his second reading explanation:

Immature children may possess any firearm ranging from an airgun to a heavy calibre weapon.

The Minister would know that the Act does not allow that to happen now, as section 6 (1) thereof provides:

Any person who, being under the age of 15 years, uses, carries, or has in his possession a firearm shall be guilty of an offence.

Section 6 (2) provides:

Any person who sells, gives, lends or supplies a firearm to any person under the age of 15 years shall be guilty of an offence.

Therefore, we have in the Act a limit at the age of 15 years and a further provision relating to aliens. According to the Act and regulations, a person can be fined up to $100 or be imprisoned for two months for a breach. So, the Minister's second reading explanation is not really correct. In his explanation, the Minister continued:

This Bill seeks to introduce appropriate controls on the possession and use of firearms by instituting a licensing system.

Will the Minister give the House some idea of what the licence fee will be? It is all right to say that that aspect will be left to regulations. However, we should have some idea of what the Minister has in mind regarding what it will cost a person to register a firearm. If a person is a collector, will he have to pay a certain amount for each weapon, or will one licence cover the lot? Will there be special licences for collectors, people in clubs and people who have only one ·22 calibre weapon? It is only proper that the Minister should give the House some information in this respect.

I agree with the appointment of a consultative committee, which is a good idea and on which I congratulate the Minister; he could not have done better. I see that the licence is to operate for a maximum period of three years, and again I am interested to know what its cost will be. I

have dealt with clause 5, which defines "dangerous firearm" to mean a firearm of a class declared by regulation to be a class of dangerous firearms. That definition needs more explanation. It seems, however, that we must wait for the regulations to be brought down. This will be a regulation Bill, as are most Government Bills. "Firearm" is defined to mean a portable device from which a shot, bullet or other missile can be discharged by means of explosive. That is all very well but, returning to my previous argument, the bow and arrow is a dangerous weapon, as is a blowpipe.

Mr. Boundy: Are they going to register water pistols?

Mr. MATHWIN: That could happen. If one filled a water pistol with ammonia and gave it a squirt or two, it could really upset someone. It would not be the first time that that has happened.

The Hon. R. G. Payne: Wind it up!

Mr. MATHWIN: It is all very well for the Minister to say that. I rarely get on my feet in this place, and I have not asked a question for three weeks. Now, they put me on at midnight in order to gag me and so that no-one has to listen to me. However, I still have 11 minutes in which to speak, and, if I feel like taking my full time, I will do so. Clause 16, dealing with the sale of firearms, puts the onus on the seller to check with the applicant. Clause 17 relates to the prescribed fee, and I ask the Minister how much the licence will cost. I also ask the Minister what will be the cost to a person who owns several firearms, and I ask how many firearms such a person may have. Regarding clause 29, I do not agree that there should be an offence in relation to a silencer.

The penalty for a first offence under the Bill is a fine not exceeding $500. For a second offence, the penalty is a fine not exceeding $2 000 or imprisonment for six months. These are the maximum penalties and, if the Government is fair dinkum, it should provide a minimum penalty so as to give the court something to work on. The member for Playford favoured more restriction and more training, and I agree with him, although this would not prevent a criminal from getting a firearm.

Mr. BECKER secured the adjournment of the debate.

ADJOURNMENT

At 11.59 p.m. the House adjourned until Thursday, April 21, at 2 p.m.